



# bulletin

The Canadian Association of University Teachers and six other national organizations are protesting federal government cutbacks in dominion-provincial cost sharing programs affecting health and education.

In a jointly signed telegram sent to Prime Minister Trudeau, the Canadian Association of University Teachers, the Canadian Medical Association, the Association of the Scientific, Engineering and Technological Community of Canada, the Canadian Federation of Biological Societies, the Canadians for Health Research, the Canadian Association of Physicists, the Canadian Society for Clinical Investigation, and the Medical Scientists of British Columbia stated that the "reduction of federal funding under the present equalization arrangements will produce disastrous consequences for universities and the health care system."

The seven national organizations representing some 186,000 members acted in response to the federal government's announcement of September 8 that \$370 million will be cut from money currently available to the provinces through the dominion-provincial cost sharing scheme. It is through this scheme — the Established Programs Financing Arrangement — that the federal government transfers funds for education and health care to the provinces in the form of tax points and cash payments.

There is some indication that the Prime Minister will propose to the provinces cuts in the cash payments without the transfer of tax points. Exactly where the cuts are to be made is to be the subject of negotiations between the federal government and the provinces during the coming months.

The cutbacks to the provinces were part of overall government spending cuts of \$500 million for this fiscal year and \$2 billion in the 1979-80 fiscal year.

The national organizations also protested federal budget cutbacks for research and training programs administered by the Department of National Health and Welfare and the three granting councils.

Health and Welfare's budget is to be slashed by \$82.3 million of which \$10.3 million will be in the areas of research and research training support programs. According to a news release issued by Treasury Board on September 8, \$3 million will be cut from the Professional Training Program, \$4.8 million from the Non-Medical Use of Drugs Program and \$2 million from the National Health Research Development Program.

The Medical Research Council will be chopped by \$5 million although it remains unclear whether this will be deducted from the \$3 million sup-

## Education and health targets in government austerity program

by Helen Baxter

plement awarded MRC last June 1 or will instead be imposed at the time of tabling the Main Estimates for the fiscal year 1979-80.

"Cutbacks in funding in these areas will further reduce Canada's overall research and development capabilities, resulting in the eventual loss of highly qualified and experienced personnel and adversely affect our post-secondary education and health care systems," the organizations said.

Dr. John Kucharczyk, executive secretary of science policy for the Canadian Federation of Biological Societies, says that the cutbacks will affect thousands of senior researchers, doctors, medical students and technicians scattered across the country.

Dr. Kucharczyk said that "while the absolute dollar amounts are not as large as in some areas, they are being applied in a sector of our national effort that has been financially impoverished for years."

In their joint telegram to the Prime Minister, the seven organizations pointed out that the cutbacks to Health and Welfare and to the granting councils run contrary to recently-stated government initiatives to bolster research and development in Canada. They referred to government proposals outlined by Minister of Science and Technology Judd Buchanan in the House of Commons

in June, which would utilise science and technology to strengthen the Canadian economy.

In his announcement, Mr. Buchanan proposed a goal of increasing public and private sector investment in research and development activities to 1.5 per cent of the Gross Domestic Product by 1983. He outlined plans to expand the Scientific and Technical Employment Programs (S.T.E.P.) to provide greater employment opportunities for Canadian scientists and technicians, including a university-oriented aspect of the program. He committed federal support for the creation of five regional university-based industrial research and innovation centres and "regional centres of excellence." In addition he announced a budget supplement of \$10 million for the three research granting councils.

In a letter to the Minister, CAUT President Ronald Bercov said that there was something quixotic in a policy which in June encourages the university research community to consider itself part of the general research and development effort in the country but which in September contemplates cuts in university funding which will certainly place the universities in a situation where they cannot maintain much less develop their capacities, either for research or for teaching.

"Serious cuts in these funds", Prof.

Bercov said, "will force universities to fire staff, discontinue programmes and courses, reduce purchases (including those from Canadian manufacturers), impose quotas on popular courses and generally reduce the quality and availability of higher education in Canada. As the OECD report on Canadian higher education indicates," he said, "this country has built up an enviable system of higher education. It would be irresponsible to put it in jeopardy through short-term solutions to major problems."

Commenting on cutbacks in funding to the provinces, Prof. Bercov said that "such arrangements will have a disastrous effect on university financing across the country, particularly in the economically-depressed regions. A substantial cut in transfer payments is almost certain to aggravate regional disparity in this country," he said.

Even if tax points are transferred to the provinces to compensate for the cuts, only the provinces wealthy enough to generate additional revenue will derive any benefits from increasing taxes. The poorer provinces, such as in the Atlantic region, will have no alternative source of revenue to fall back on.

The CAUT has written to each of the Premiers offering assistance in resisting federal efforts to slash funding for post-secondary education.

In addition, the CAUT and the Canadian Federation for Biological Societies plan to submit a brief to the federal and provincial governments prior to the upcoming Federal-Provincial First Ministers' Conference on research and development to be held in October.

Both organizations also plan to lobby candidates in the October 16th by-elections, particularly in southern Ontario and Manitoba. Their intention is to submit the views of all candidates to a series of questions, to hold all-candidates meetings, and in general to ensure that issues pertaining to research and post secondary education are made part of the campaign.

Dr. Kucharczyk said that although both organizations are very disturbed about the cutbacks, they feel that the scientific community must do more than simply complain about reductions in budget expenditures. "Instead, he said, we must continue to stress the importance of a vigorous scientific effort to reach Canada's overall economic objectives.

"Federal budget cutbacks are viewed by the majority of Canadians as being necessary, but we must emphasize to the government that reductions in financial support of productive and labour intensive areas such as research will clearly be counter-productive."

### What was said

Judd Buchanan Minister of State for Science and Technology

"Research and development is one of the cornerstones of our economy and is of fundamental importance to the well-being of Canada".

(June, 1978)

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## CAUT Bulletin

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Executive Secretary: Donald C. Savage

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# LETTERS LETTRES

## Memorial...

*The following is exchange of correspondence sparked by a CAUT News Release and a news story in the CAUT Bulletin (May 1978, p. 2). The Editors believe that publication of this material in full provides readers with an opportunity to examine the record and correct any misleading impressions.*

During meetings of the AUCC Board of Directors in Ottawa last week, the President of the University of Regina gave me a press release issued by CAUT entitled *Memorial to Certify — Regents Call Special Plan "Window-dressing."* That press release has now been published in the May issue of the *CAUT Bulletin* (May, 1978). I wish to draw the attention of the Faculty to the misrepresentations and the serious falsehoods contained in this press release.

The statement that MUNFA has instructed its Executive to proceed to certification is, according to my information, both premature and inaccurate. The Executive was authorized to launch a campaign for certification immediately, and to determine in September through the signing up of cards whether there exists sufficient support to apply for certification.

The reference to the doubt expressed by me that collective bargaining could secure higher salaries is taken out of context. I expressed that doubt in the context of the fact that it is the policy of the Board to maximize faculty salaries to the extent that the financial situation and A1B permit, and that this year the cost of salary increases to faculty and staff will exceed the increase in revenue derived from the Provincial Grant.

With respect to the various problems reported to have been aired at the general meeting:

### 1. Lack of faculty influence in the creation of a rational salary structure.

I am unaware of any ad hoc arrangements. Normally, MUNFA prepares a salary brief, discusses it with me in the light of the anticipated University Budget and with the Finance Committee of the Board if it so wishes. Before the final decision is made, further discussions take place. Last year MUNFA refused to submit a brief claiming that it was a futile exercise, and I had to arrange for a member of the Faculty of Education to prepare one on behalf of the faculty to help me in my negotiations with the Board. This year the "rational salary structure" proposed by MUNFA is at present under discussion with a working group with Dean Bruce as Chairman.

### 2. Rectification of salary inequalities.

It has for years been University policy that funds to rectify salary inequalities and to effect adjustments have first claim upon funds allocated for salary increases.

### 3. The management, investment and control of pension funds.

Under the University Act this is the responsibility of the Board of Regents. The Board has recently established a Joint Committee on Pensions with representatives of MUNFA, CUPE and NAPE.

### 4. Sabbatical policy and travel funds.

No complaints with respect to sabbaticals and travel funds have been brought to my attention.

### 5. Maternity leave

The Presidential Committee on the Status of Women has submitted a report regarding the administration of maternity leave in an attempt to eliminate the differences in treatment resulting from current policy. Their proposals will shortly come before the Board of Regents.

The press release states that the President unilaterally terminated free tuition for dependents, eliminated assisted housing and abolished the Housing Office, and garnisheed the pay cheques of faculty at Corner Brook. These are serious charges and are all false.

1. This University has never had a policy of free tuition for dependents.

2. The policy of assisted housing remains unchanged.

3. The University has never had a Housing Office. The housing functions previously performed in the now defunct Campus Services have been transferred to the Division of Physical Operations.

4. I have never authorized the garnisheeing of the pay cheques of faculty at Corner Brook.

I am left wondering what is the real purpose of this release.

M.O. Morgan,  
PRESIDENT,  
Memorial University of Newfoundland

May 10, 1978.

Canadian Association of University Teachers,  
1001 - 75 Albert Street,  
Ottawa, Ontario.  
K1P 5E7

Dear Mr. Cinman:

RE: News Release Entitled "Memorial to Certify — Regents Call Special Plan Window Dressing!"

I am concerned over the misrepresentations - and falsehoods contained in the abovementioned news release subsequently published in the *CAUT Bulletin*. The attached memorandum sent to all faculty at Memorial contains the proper information.

I am advised that certain statements contained in this release may be libellous. Therefore, I request that you consider my memorandum to faculty, further investigate the discrepancies between your release and my statements of the correct facts on the items contained therein, and publish a corrected release retracting the statements which have no factual basis.

I must further add that the Regents' description of special plans as "Window-Dressing" is partially based on an assessment of such plans by Mr. Ian McKenna, CAUT Collective Bargaining Officer and Geoff England, former CAUT Collective Bargaining Officer, in an article which appeared in the September 1977 edition of the *CAUT Bulletin*. They concluded that "It is difficult to escape the conclusions that 'special plans' are 'window-dressing' which deny faculty the guaranteed legal rights brought by collective bargaining under labour relations legislations."

Yours truly,

M.O. Morgan,  
PRESIDENT.

Memorial University of Newfoundland

May 10, 1978.

Dr. G.P. Jones,  
President,  
Canadian Association of University Teachers,  
c/o Department of English,  
Memorial University of Newfoundland.

Dear Dr. Jones:

I most seriously protest the accusations and allegations against me, contained in the CAUT news release dated April 25th and published in the May edition of the *CAUT Bulletin*.

The release states that I "unilaterally terminated free tuition for dependents, eliminated assisted housing and abolished the housing office, and garnisheed the pay cheques of faculty at Cornerbrook until the Association threatened legal action."

The facts are:

1. This University has never had a policy of free tuition for dependents.

2. The policy of assisted housing remains unchanged.

3. The University has never had a Housing Office. The housing functions previously performed in the now defunct Campus Services have been transferred to the Division of Physical Operations.

4. I have never authorized the garnisheeing of the pay cheques of faculty at Corner Brook.

I enclose a copy of my letter to Mr. Israel Cinman and my memorandum to Faculty at Memorial. Under the circumstances, I would suggest that an official apology is in order.

Yours sincerely,

M.O. Morgan,

PRESIDENT.

Memorial University of Newfoundland

8 June 1978

President M.O. Morgan  
Memorial University of Newfoundland

Dear President Morgan,

Having only recently returned to St. John's from meetings of the CAUT and the Learned Societies, I have not had the opportunity of replying earlier to your letter of May 10, 1978, respecting the CAUT news release, "Memorial to Certify — Regents Call Special Plan 'Window-Dressing'", subsequently published in the May issue of the *CAUT Bulletin*. Your letter to Israel Cinman will, I anticipate, be answered separately.

CAUT news releases and *Bulletin* news items attempt to present accurate and balanced accounts of matters of interest to the university community. Accordingly, the first half of the article in question presents arguments against collective bargaining made by the Board of Regents and by you, while the second part of the article records, quite accurately, comments which were made in support of collective bargaining at a General Meeting of MUNFA. It is unfortunately the case that summaries made at a distance of extensive verbal proceedings, or digests of lengthy documents, will often be flawed by minor inaccuracies of fact or phrasing or emphasis. This is scarcely to be avoided short of verbatim accounts of speeches or documents.

For example, while it may be true that Memorial University (unlike some other Canadian universities) has never had a policy of free tuition for dependents, I understand that the former practice of waiving tuition charges for employees enrolling in courses has recently been terminated, so that an employment benefit has been lost. Similarly, while the garnisheeing of pay cheques of faculty at Corner Brook may never have been authorised by you, I am informed that stoppages nevertheless occurred.

I regret that the article should have offended you and that you should feel that you have been misrepresented. However, since the *CAUT Bulletin* is dedicated to the open exchange of information, it would be an easy matter, if you so wished, to have your memorandum to the faculty at Memorial published in the next issue of the *Bulletin*, in order to correct the record or to rectify possibly misleading impressions.

If you wish to discuss the matter further with me personally, I shall be in St. John's and at your service for most of the summer.

Yours sincerely,

Gordon P. Jones  
Past-President (CAUT)

June 13, 1978

M. O. Morgan  
President  
Memorial University of Newfoundland  
St. John's, Newfoundland  
A1C 5S7

Dear Dr. Morgan:

Thank you for your recent letter and a copy of your memorandum to members of the Faculty Association commenting on CAUT News Release "Memorial to Certify — Regent Call Special Plan 'Window Dressing'" and the news story on the subject which subsequently appeared in the *CAUT Bulletin*.



# Student aid: 1964 solutions have become 1978 problems

by Dan O'Connor

Existing student aid programs are, for the most part, a patched-together version of those designed in the early 1970's to meet the needs of a post-secondary system viewed as largely private in nature. Problems with the programs include inequality of opportunity, regional disparity and arbitrary administrative criteria. Unpublicized federal-provincial efforts to make a fresh start in student aid began in 1974 but have achieved little.

The Canada Student Loans Plan (CSLP), approved in 1964, provides the basis of existing programs. (Quebec opted out of CSLP, but operates a similar plan and participates in federal-provincial talks on student aid.) CSLP principles reflect the view that education is a private commodity, stating that, "The responsibility for the costs of post-secondary education to the individual student remains primarily with the parent (guardian or immediate family) and/or the student."

Equal opportunity is not a stated goal of CSLP, and the program ignores its own incentive, or disincentive, for high school students to try to qualify for further education. Those omissions have been allowed to exist since 1964. During that period the public share of post-secondary education costs rose from \$440 million to \$4.25 billion, and the public became well aware of higher education's contribution to the economy, the society and individuals' well-being.

CSLP's failure to equalize access only surprises those unfamiliar with its principles. Federal student population surveys in 1969 and 1975 show that class bias has not been reduced, and may even be increasing with the economic downturn.

Universities in particular seem weighted toward the upper and middle class, with university-educated fathers of undergraduates compared to all males aged 45 to 64 being 2.3 times as numerous in 1969 and 2.7 times as numerous in 1975. (Education appears to be the most reliable socioeconomic factor in these surveys.)

Community colleges have much lower fees, shorter courses and geographic proximity. They show less class bias and less need for student aid. The comparable figures for university-educated fathers were 1.2 times as many in 1969 and 1.5 times as many in 1975. It would appear that CSLP could not compensate for the much higher costs of a university degree.

Surveys of high school students have indicated that, with some exception for those in their final years, low-income students tend to be apprehensive about large loans to finance their post-secondary education. There is usually little awareness of the student aid programs, and many high school students have exaggerated ideas about the cost of further education. Unfortunately, there is not enough reliable information about the effect of student aid on the career decisions of students in grades eight to ten.

The continued existence of large-scale inequality of opportunity is the major flaw of existing aid programs, and other problems exist within the

context of this inequality. More than 150,000 students receive assistance, and regional disparity in the available aid is a major problem for many.

The aid programs are based on the federal loans, but it is the province which contributes the grant portion through a supplementary plan. Maritime students usually receive the lowest grants (and highest debts) while those in Ontario and Quebec have the largest grants. The provinces administer CSLP, and changing provincial priorities affect the maximum and average levels of loan and grant.

Students are frustrated when they encounter the apparently senseless provincial variations, especially in the context of a national plan and a post-secondary education system which is funded more by the federal government than by any other source. Disparity is the most visible problem of providing federal loans through a provincially-administered plan within mutually agreeable criteria and provincial grants through accompanying provincial plans that, with some exceptions, stay within those criteria.

The complicated structure of the student aid system makes for secretive and slow-moving decision-making about administrative or policy changes. Changes appear in the criteria, which theoretically establish a method to subtract the student's resources from her/his needs, thus setting the level of aid. However, assessments are done on the basis of predetermined figures for each item. Appeals, which can be lengthy and arbitrary, are the only way to have the particulars of one's situation taken fully into account.

The criteria assume both a sub-poverty standard of living and large student-family resources. The maximum assessment for all personal and living costs, except local travel, of a single student away from home is \$3640 on a 52-week basis. The same student is expected to save at least \$50 a week during the summer, employed full-time or not at all. Some provinces use their authority to be even less generous.

Financial dependence on parents is deemed rather than determined, so some students pay a penalty for their independence while others are forced to be dependent to continue their education. It is assumed that a family with income of \$16,263 and one of two children in university will contribute \$1,165 each year to that child's education.

Residency requirements restrict student mobility, and part-time students are still excluded from CSLP. Loan repayment regulations do not account for a graduate's employment situation. There is evidence that criteria changes reflect budget plans as changes in student needs and resources.

The student aid system has become a constant irritant for those who can afford a post-secondary education. It awards those with unusually large resources and punishes those with large needs, due to the arbitrary predetermination of those items.

CSLP eased financial barriers but

did not remove them, so it ensures a redistribution of income from the majority of individual taxpayers to the minority who can afford to qualify for student aid. High motivation and sacrifices for a post-secondary education are required only from the poor and lower middle classes.

The inadequacy of the CSLP system led to the 1974 agreement that Ottawa and the provinces would prepare a new national aid plan. The work toward a new plan has generally been done in secret, thus removing the prod of public opinion. The politicians' major concern has become the potential to shift costs to another level of government, and the difficulty of simultaneously reducing federal and provincial costs has contributed to the stalemate.

One danger is that, in desperation, the governments will agree to a scheme which tries to shift more costs onto the student. Ontario, frustrated with lack of a new national plan, may be showing the way this year with modifications that cut off grants for

most graduate and professional students, plus others. They now use the number of semesters of post-secondary education as the cut-off between a grant-loan mixture and loans-only.

Many untried proposals feature repayment of high loans according to the graduates' income, or tax points added for each degree or year of higher education. Student organizations in Canada have opposed both because they seem to skip over the question of disincentive among low-income high school students. They tend, like CSLP, to assume both class bias and the private nature of post-secondary education. The goal becomes how to better ensure that the well-to-do shoulder more of the costs of their education.

The benefits of post-secondary education, to society and the individual, are still a powerful argument against letting those benefits go only to the privileged. Public commitment of the student aid system to the goal of equal opportunity, and financing of student aid by progressive taxation, seem to be prerequisites of reforms to remove the financial barriers to universities and colleges. There still appears little argument that financial barriers cannot remain if social barriers are to be tackled.

Alienation of most Canadians from universities and other post-secondary institutions seems certain to continue so long as most Canadians must pay for a student aid system which denies them access to those institutions, and until most children have a reasonable opportunity to attend.

*The author is Executive Secretary of the National Union of Students.*

## Funding hot educational issue

With post secondary education in a precarious financial state, university financing and student aid programs are important educational issues in Canada this year.

The Canadian Association of University Teachers is currently conducting an inquiry, headed by James Gillies, former finance critic for the federal Progressive Conservative party, into the feasibility of funding universities in whole or in part through contingency repayment schemes. These would involve a substantial rise in tuition fees to cover a far greater proportion of university operating costs and would be combined with a system of loans to enable students to pay the higher fees. Repayment of the loans would depend on the student's income during his or her career after graduation. Mr. Gillies' report is expected to be placed before the CAUT board in October and will be circulated to provincial governments and educational agencies for consideration.

Meanwhile, Canada's National Union of Students has launched a year-long campaign to oppose cuts in government funding of postsecondary education. In a document outlining its anti-cutback campaign strategy, NUS says government cutbacks represent "an erosion of hard fought for social rights" and deny "meaningful employment, equitable access to education.... specifically for the weaker and less fortunate segments of our society."

NUS Executive Director Dan O'Connor has strongly opposed shifting more of the financial burden onto the student. Income contingency repayment schemes, he says "seem to skip over the question of disincentive among low-income high school students. They tend, he says "to assume both class bias and the private nature of post-secondary education". Mr. O'Connor advocates instead financing of student aid by progressive taxation.

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# NOTES FROM WASHINGTON

by Clive Cookson

The liveliest education-related issue on the national political scene this year has been student financial aid. Almost everyone accepts that the federal government must do more to help students and their families pay soaring college bills — and that the additional assistance should be directed primarily at middle income families. (Though some recent studies have concluded that the alleged middle class squeeze exists only in the minds of the sufferers, for college costs have risen no faster than average disposable incomes over the past decade.)

But there has been passionate debate over the various schemes put forward. There are two main contenders: The Middle Income College Assistance Bill, proposed by President Carter, which would extend the eligibility of existing federal loans and grants to middle income students, at an additional cost of \$1.5 billion a year; and "tuition tax credits", which would entitle each parent supporting a son or daughter through college to deduct a few hundred dollars from federal income tax payments.

At the moment tax credits are ahead in the race through Congress. Both the Senate and the House of Representatives passed tuition tax credit bills this summer, though at the time of writing the two houses had not yet met in conference committee to reconcile the considerable differences between their bills.

The most important difference is that the House of Representatives voted by a narrow 209 — 194 margin to include independent elementary and secondary schools as well as higher education in the Act. The Senate decided, by a 56 — 41 vote, after three days of heated debate, to exclude pupils at private and vocational schools and restrict the credit to undergraduate and vocational education.

However the Senate version is more generous. Its credits would be worth 50 per cent of tuition and fees up to \$250 per student this year and \$500 from 1980. The House bill would allow taxpayers a maximum of only \$100 this year, \$150 in 1979 and \$250 from 1980.

The day after passing its tuition tax credit bill, the Senate approved President Carter's rival plan. The majorities were very similar: 65 - 27 in the first case, 68 - 28 in the second. Thus, although the two approaches have always been billed as alternatives, many senators voted for both — incurring the wrath of some of their colleagues, such as Senator Henry Bellmon, senior Republican on the Budget Committee, who commented: "I can't imagine why we would pass two bills on two consecutive days to accomplish essentially the same objective." (His Democratic colleague Senator Edmund Muskie, chairman of the Budget Committee, said the country could not afford either measure.)

The House of Representatives has not yet voted on President Carter's Middle Income College Assistance bill. But in the form passed by the Senate it would increase the eligibility limit for basic federal student grants from the present \$13,000 to \$25,000 (net family income). These grants would range in value from \$1,800 a year for students from families earning \$6,000, on a sliding scale down to \$250 at the \$25,000 ceiling. The legislation would also extend the eligibility for federally guaranteed loans and expand the College Work-Study Program (subsidized part-time and vacation jobs for students).

President Carter has said that the United States does not need and cannot afford both schemes, and he has more or less committed himself to vetoing tuition tax credits if Congress passes both. Supporters of tax credits would then have a hard time mustering the two-thirds majority needed for Congress to over-ride a presidential veto.

In the eyes of the President, his administration, and most of the battered liberals in Congress, tuition tax credits are a profoundly unjust solution to the problem, because a large slice of the benefit would go to wealthy Americans earning more than \$25,000 a year — just what proportion is in dispute. They maintain that it would be fairer and more efficient to use the existing financial aid programs administered by the Department of Health, Education and Welfare (HEW) to direct additional funds to the income group in most need.

Sadly, however, the political mood of the United States in 1978 favours the proponents of tuition tax credits, who can sell their scheme as a nice simple tax cut. (Some enthusiasts claim — incorrectly — that it would involve no more than the addition of one line to the federal income tax return.) In contrast, the Carter plan looks like an extension of government spending and the unpopular HEW bureaucracy.

As controversy swirls around the two leading contenders, a third, more fundamental proposal for reforming the student aid system is quietly gathering support: the Tuition Advance Fund (TAF).

TAF is an income contingent repayment scheme, designed by Dr John Silber, president of Boston University. Such schemes have been floating around for more than 30 years — the original idea is often attributed to Milton Friedman — but TAF is the first one with sufficient appeal to have generated significant political interest. Bills to set up a Tuition Advance Fund have gained several well-known sponsors in the Senate and House of Representatives this year, and its supporters hope to see them passed next year.

The underlying idea is that the person who benefits directly from higher education, the student, should shoulder a major share of the costs himself. The government would lend him the necessary money interest free, and he would repay it according to his earnings after graduation.

Students could borrow up to \$5,000 a year from TAF, regardless of family income, to cover room and board as well as tuition fees — an amount that makes the few hundred dollars available under the Carter plan or tuition tax credits seem paltry. The advance would be repaid through the Internal Revenue Service at a rate of two per cent of annual income, and, unlike normal loans, could not be defaulted on or dissolved through bankruptcy.

Instead of paying interest, all recipients would have to repay a 50 per cent surcharge on top of the original advance. For someone who went on to earn

typical middle class salaries after graduation, repayment of a \$6,000 advance would take about twenty years, and the surcharge would be equivalent to a three per cent interest rate. Graduates with more lucrative careers would repay the advance more quickly, at a higher effective rate of interest.

Proponents of TAF estimate that the federal government would have to spend \$4.5 billion a year to set up the fund, but that it would gradually become self-supporting, so that after perhaps twenty years taxpayers would no longer have to contribute to it. Critics claim it could never be fiscally sound and would cost the government billions of dollars a year indefinitely.

The strongest opposition so far has come from the American Association of State Colleges and Universities, whose spokesmen have attacked TAF on the grounds that many young people could begin their adult lives with very large debts, including the debts of their spouses. They also object to the undesirable federal control over universities' enrolment and tuition policies that TAF would bring. For, in order to prevent institutions cashing in unfairly on this new source of student funds, they would not be allowed to raise fees at a faster rate than general inflation or to increase enrolment by more than two per cent a year "without specific justification". (This clamp on fees is the great difference between TAF and in income contingent repayment schemes being studied by Jim Gillies for the CAUT, whose purpose would be to increase the proportion of Canadian universities' revenue derived from student fees).

Some critics dislike the fact that TAF flies in the face of tradition. As John Mallan, assistant director of the Association of State Colleges and Universities, put it: "The bill reverses the long established policy that each generation pays for the education of the next — that the family and society, as well as the individual student, should pay and that students in turn through their increased income and tax payments repay their own education and help pay for the next generation." □

## Quebec universities get 8% increase

Universities in Québec are receiving an 8.0 per cent increase in their provincial government grants for 1978-79.

Included in the \$580 million which Québec will spend on universities this year is a special grant of \$5.4 million for Concordia University—about 10 per cent extra on top of what it would normally have received. Concordia has been the poor relative among Québec universities for years, ever since its days as Sir George Williams University, the "second chance" school operating mostly at night.

The increase, amounting to \$43 million, is based on three factors, an announcement from Québec City said:

- An allowance of 8.33 per cent for increases in salaries, which represent about 70 per cent of university spending.
- No increase whatever for other costs, the other 30 per cent of spending.
- An allowance of 2.3 per cent for enrollment growth.

In fact enrollment in Québec

universities is expected to increase by 4.6 per cent this year, from 112,401 full-time equivalent students last year to 117,623 in 1978-79.

But, the government said, "economies of scale which can and should be accomplished" mean that the government will take only half that growth into consideration—hence the 2.3 per cent.

The \$580 million includes several special sums in addition to Concordia's money, "to improve the level of financing and assure equitable treatment".

Among those special sums is \$1.7 million to the Université du Québec à Montréal, "to compensate in part for the loss of grants resulting from its drop in students on account of the strike in 1976-77".

The biggest university grant in Québec is \$125.5 million to the Université du Québec, with campuses across the province. The Université de Montréal follows with \$115.8 million, Université Laval with \$106.7 million, and McGill with \$88.6 million. □

## Coverage for foreign students cut

The Manitoba government recently joined the governments of Newfoundland, P.E.I., New Brunswick and Québec in cutting foreign students off from health insurance coverage.

The Minister of Health in the Manitoba government announced in July that foreign students attending universities in the province would no longer be entitled to coverage under the Manitoba Health Services Schemes on the same basis as other students. He stated that the onus would now be on the students to provide for their own medical and hospital services.

The Manitoba Organization of Faculty Associations has protested the government's action, terming it "an extremely retrograde step". The organization says in a press release that the foreign students more than pay their own way, contributing as they do to the economic, social and intellectual life of the province.

"The majority of Manitobans not only would recognize the valuable contribution foreign students make to cultural and intellectual life of this province," says the MOFA, "but would also reject the notion that any individuals and families living in this

province should be subjected to discriminatory treatment."

Foreign students in Canada may be dealt another blow if new regulations being weighed by the federal government come into force. The regulations, which are being considered by the federal Ministry of Employment and Immigration, would prevent foreign graduate students from accepting teaching and research assistantships in Canadian universities unless the universities first advertised the positions extensively in Canada. The assistantships would be open to any Canadian qualified to undertake the work, and would not be restricted to graduate students.

The Canadian Association of University Teachers has written to the Minister, Bud Cullen, pointing out the very serious ramifications for the graduate programmes of universities if the regulations are enforced. In the letter the CAUT urged the federal government to restrict teaching assistantships to bona fide graduate students and to ensure that foreign graduate students holding assistantships could renew them without advertisement if they maintained the standards required. □



## “Relevance” catchword of congress

No great common passion ignited the Twelfth Commonwealth Universities Congress held in Vancouver at the end of August. The 200 presidents and vice-chancellors and 400 other delegates assembled at the University of British Columbia faced no immediate, exciting issues like student disruption of the strains of rapid growth, such as they or their predecessors were confronting at the time of the two previous Congresses in Edinburgh (1973) and Sydney (1968).

But members of the 1978 Congress did share one much more diffuse, less immediately pressing common concern: how to adapt the traditional character of the university to meet the increasing demands by governments and society to fulfill specific tasks. It was expressed in the official Congress theme, “Reconciling national, international and local roles of universities with the essential character of a university”, and it ran through the five topics chosen for detailed discussion.

The unofficial catchword of the Congress was “relevance”. The keynote speaker, Sir Charles Wilson, former principal of Glasgow University in Scotland, started proceedings by asking the “new Relevantines” some stiff questions: “Who tells us what national needs are? Are these short term or long term needs? And those science policies, economic policies, welfare policies, manpower plans — how reliable are they? Will students still be free to choose what they will study?”

No one really answered him — and many speakers did not want to. Some, such as Sir Fraser Noble, vice-chancellor of Aberdeen University, and Dr Charles-E. Beaulieu, vice-president (academic affairs and research) of the University of Quebec, warned against making university activities too obviously relevant to immediate social needs.

The former pointed out that it is a dangerous illusion “to think that you can devise a curriculum that is relevant to life and to society and can be kept relevant in that sense in the future.” Dr Beaulieu, like several other speakers, spoke out against over-specialised university curricula; he said employers were showing increasing preference for the well educated generalist rather than

“specialised technicians whose knowledge rapidly becomes outdated and who can become professionals only with difficulty.”

However a few delegates gave specific examples of the ways universities have benefitted from deliberate attempts to make themselves relevant. One of the best papers of this sort came from Dr R.B. Matthews, president of the University of Waterloo, who said universities must seek to apply as well as to discover new knowledge: “Such an extended role for the university has seldom been acknowledged, and certainly has not been generally accepted within universities. We have paid and are paying a price for this neglect on our part — a price in terms of diminished public support for research in universities and fewer opportunities for young researchers upon graduation.”

Dr Matthews gave delegates an impressive account of the mechanisms being developed at his university to transfer research and development directly to industry, from “contract research” and a “research consortium” with two local firms, to an “inventor’s assistance program.”

Although the Congress was dominated by delegates from the Old Commonwealth, their colleagues from developing countries did intervene sometimes, as for example when British and Canadian delegates were discussing the need to prepare young people for lives of increasing leisure. The vice-chancellors of the Chinese University of Hong Kong and the National University of Lesotho expressed dismay at the thought that “education for leisure” might replace the traditional work ethic as the basis of higher education.

The sessions on the topic “Higher Education in countries with federal systems of government” showed that, whereas Canadian university leaders generally feel their provincial governments have too much power over universities and the federal government has too little, the Australians complain of too much national control over higher education. This topic, incidentally, produced one superb misprint in the official programme sent to delegates before the Congress: it advertised the subject of one session as “Student and staff mobility under feudalism.”

## MOFA opposes proposed pension plan

The Manitoba Organization of Faculty Associations is opposing a government task force report which proposes a unified pension plan for universities in the province.

The Battershill Report, released in mid-June, deals with superannuation and group insurance for the three universities and St. Boniface College in Manitoba.

In the report, the government task force advocates a 2 per cent final average pension plan (defined benefit pension plan), early retirement without penalty to the formula, and a cost of living arrangement.

While these provisions are acceptable to MOFA, the following are not: a 2 per cent increase in pension

payments, the added cost being divided between universities and employees; removal of the money purchase option; and restrictions on the portability of investments outside the province.

The report, which is still in the deliberation stage, is currently in the hands of the provincial cabinet.

Sources at MOFA have expressed concern over the unwillingness of the Battershill task force to consult with the faculty association concerning the provisions in the plan. To date, the task force has dealt only with the university administrations, and according to faculty sources, has flatly refused to comply with requests from MOFA for information and input into the study. □

# BARGAINING TALK NÉGOCIATIONS

by Ted Bartley (CAUT Collective Bargaining Officer)

The CAUT Collective Bargaining Committee held its first 1978-79 meeting on the Thursday prior to the National Bargaining Conference. Major agenda items included proposed Guidelines on Program Redundancy, Guidelines on Departmental Chairmen included in Bargaining Units, and a new Clause Finder Chapter on Financial Exigency. The next Committee meeting is scheduled for Ottawa, November 24th and 25th... The National Centre for the Study of Collective Bargaining in Higher Education, which is run out of Baruch College at the City University of New York, is an organization which provides objective labour relations data and services to the American higher education community. It will be conducting a “Grievance and Arbitration Seminar” at the Chelsea Inn in Toronto on November 8, 9 and 10, 1978. CAUT, which has been a member of the National Centre for some time, will be co-sponsoring the program along with York University. Anyone wishing to attend should contact the CAUT at the Ottawa office for details... The Collective Bargaining Section of the CAUT was greatly assisted from May to August by the services of Mr. Peter Sanderson. Peter came to us for the summer under the auspices of the Ontario Ministry of Labour’s STUDENT TRAINING IN INDUSTRIAL RELATIONS PROGRAM, and performed some valuable work, particularly in revising the Clause Finder Chapter on Tenure and writing the initial draft of the new Clause Finder Chapter on Financial Exigency. He has now gone on to the Masters in Industrial Relations program at the University of Toronto... An information session on the question of certification was held at the University of Winnipeg in early September, and another is planned at Laurentian for October 13.

Negotiations for a first collective agreement at Brandon have been under way since February. Major signed-off articles include program redundancy, academic freedom, no-discrimination and grievance and arbitration procedures. At the time of writing, no agreement had been reached on financial exigency, and initial monetary proposals were not exchanged until mid-September. The BUFA negotiating team, which is led by Bob Florida and Errol Black, had hoped that negotiations would be concluded by the end of summer. It appears, however, that the Administration’s negotiating team insisted on adjourning the sessions for one month for summer vacations... Some progress has been made in the similarly protracted talks at Manitoba (see September “Bargaining Talk”). The details will be reported as soon as they are available... Negotiations for a first collective agreement at Saskatchewan concluded September 1, 1978. Scale increases are 6% for 1977-78 and 5.3% for 1978-79. Career Development Increments range from \$552 to \$1135, depending on rank. Provision is also made for Special Increases (merit). Conciliation is also taking place at Laval, where SPUL’s first agreement expired on May 31st. Unresolved items include a clause to govern the re-entry of administrators, maternity leave, criteria for promotion, and the definition of a grievance.

Need I bother to observe that financial exigency is one of today’s key bargaining topics? The main problem here, of course, is that in the absence of negotiated procedures to regulate lay-offs because of financial crisis, the matter is a management right, and individuals can be laid-off unilaterally. Moreover, employment standards legislation tends to be less than generous. In Ontario, for example, an employee is entitled to eight week’s notice (or pay in lieu) if more than fifty are terminated. The new CAUT Guidelines Concerning Reductions in Academic Appointments for Budgetary Reasons address the matter of severance pay, and recommend a minimum of one year’s salary for tenured academic staff, as well as at least eighteen month’s notice.

Another major sub-issue considered in the Guidelines is that of the initial declaration of a financial exigency. In at least one Canadian university, the administration thought a crisis was imminent. This prompted the faculty association to certify, and binding procedures to deal with the proposed lay-offs were negotiated. Strangely enough, however, the crisis never materialized. Despite the fact that the warning seemed to have been made in good faith, the Administration simply made a mistake. Thus the Guidelines recommend that in any proposed declaration of financial exigency, an independent fact-finding commission should be established to hear the facts and rule on the validity and (if valid) scope of the financial exigency. Further, in this regard, members might note paragraph 15.06 of the Windsor agreement, which provides: “After its consideration of the report of the Commission, the Board of Governors may declare a state of financial exigency and, if so, it shall indicate in its declaration the amount of reduction in the budgetary allocation for salaries and / or benefits of members to be effected which shall not exceed the amount of the reduction determined by the Commission”.

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# AAUP's list of censured administrations

Alabama State University ..... 1962  
 South Dakota State Colleges and Universities under  
 South Dakota State Board of Regents ..... 1962

Censure was voted specifically on the Board of Regents of Education of the State of South Dakota, for action by the Regents with respect to a case which occurred at South Dakota State University. Censure was not directed against the local or central administrative officers

Grove City College ..... 1963  
 College of the Ozarks ..... 1964

Censure was voted specifically on the Board of Trustees, and not on the institution's administrative officers.

Nebraska State Colleges

Censure was voted specifically on the governing board, currently entitled the Board of Trustees of the Nebraska State Colleges, for action by the Trustees with respect to a case which occurred at Wayne State College. Censure was not directed against the local or central administrative officers.

Amarillo College ..... 1968  
 Texas A & M University ..... 1968  
 Southern University and Agricultural and Mechanical College ..... 1968  
 Troy State University (Alabama) ..... 1969  
 Northern State College (South Dakota) ..... 1969  
 Frank Phillips College (Texas) ..... 1969  
 Central State University (Oklahoma) ..... 1969  
 Detroit Institute of Technology ..... 1969  
 Southeastern Louisiana University ..... 1970  
 Oklahoma State University ..... 1970  
 Laredo Junior College (Texas) ..... 1971  
 Southern Arkansas University ..... 1971  
 Grambling State University (Louisiana) ..... 1971  
 Tennessee Wesleyan College ..... 1971  
 Onondaga Community College (New York) ..... 1972  
 University of California ..... 1972

Censure was voted specifically on the Regents of the University of California for action by the Regents with respect to a case which occurred at the University of California, Los Angeles. Censure was not directed against the local or central administrative officers.

Armstrong State College (Georgia) ..... 1972  
 Ohio State University ..... 1973  
 Marshall University (West Virginia) ..... 1973  
 University of Missouri, Columbia ..... 1973  
 Colorado School of Mines ..... 1973  
 McKendree College (Illinois) ..... 1973  
 Rider College (New Jersey) ..... 1973  
 Camden County College (New Jersey) ..... 1974  
 Voorhees College (South Carolina) ..... 1974  
 The Virginia Community College System ..... 1975  
 Concordia Seminary (Missouri) ..... 1975  
 Houston Baptist University ..... 1975  
 Murray State University (Kentucky) ..... 1976  
 Arizona State University ..... 1976  
 St. Mary's College (California) ..... 1976  
 Blinn College (Texas) ..... 1976  
 Marquette University ..... 1976  
 University of Texas Health Science Center at Houston ..... 1977  
 City University of New York ..... 1977  
 College of Osteopathic Medicine and Surgery (Iowa) ..... 1977  
 Wilkes College (Pennsylvania) ..... 1977  
 State University of New York ..... 1978  
 University of Detroit ..... 1978  
 Phillips County Community College (Arkansas) ..... 1978

Investigations by the American Association of University Professors of the administrations of the several institutions listed above show that, as evidenced by a past violation, they are not observing the generally recognized principles of academic freedom and tenure endorsed by the AAUP, the Association of American Colleges, and other professional and educational organizations.

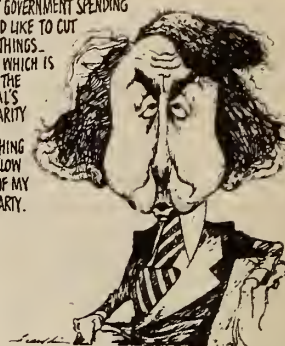
The above list is published for the purpose of informing CAUT members, the profession at large, and the public that unsatisfactory conditions of academic freedom and tenure have been found to prevail at these American institutions. Names are placed on or removed from this censure list by vote of the AAUP's Annual Meeting.

Placing the name of an institution on this list does not mean that censure is visited either upon the whole of the institution or upon the faculty, but specifically upon its present administration. The term "administration" includes the administrative officers and the governing board of the institution. This censure does not affect the eligibility of non-members for membership in the AAUP, nor does it affect the individual rights of members at the institution in question.

Members of the AAUP have often considered it to be their duty, in order to indicate their support of the principles violated, to refrain from accepting appointment to an institution so long as it remains on the censure list. Since circumstances differ widely from case to case, the AAUP does not assert that such an unqualified obligation exists for its members; it does urge that, before accepting appointments, they seek information on present conditions of academic freedom and tenure from the AAUP's Washington office and prospective departmental colleagues. The AAUP leaves it to the discretion of the individual, possessed of the facts, to make the proper decision.

The AAUP will respond to any questions concerning the list and those institutions which are on it. Please write to: American Association of University Professors, One Dupont Circle, Suite 500, Washington, D.C. 20036.

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 I WOULD LIKE  
 TO CUT GOVERNMENT SPENDING  
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 SOMETHING  
 FAR BELOW  
 THAT OF MY  
 OWN PARTY.



Reprinted from the Globe and Mail

## Advance statistics of education

Enrolment in universities and colleges in Canada will decrease this fall by 0.2% from that of the past academic year and the decline of the past few years in elementary-secondary schools will continue, according to Statistics Canada estimates.

The outlook is published in Advance Statistics of Education, 1978-79, an annual report on recent and projected enrolment, number of educational institutions, number of teachers, degrees granted and finance.

About 615,740 full-time post-secondary students will enroll — 372,330 in universities and 243,410 in colleges. This is the second year in a row that university enrolments will have declined, and after decades of steady gains, a turnaround in college enrolment also appears in the offing due mainly to a significant decline in enrolment in Quebec colleges.

At the elementary-secondary level, 5,237,915 students are expected in September, 131,066 fewer than last year. Enrolment at this level is projected to decrease by about 2% in each of the two subsequent years due to the low birth rate of the last decade.

The size of the full-time teaching staff will reflect enrolment — 264,507 elementary-secondary teachers, a drop of 5,212; but 52,110 at the post-secondary level, 75 more than in 1977-78.

Total education expenditures are estimated to rise about 7.0% this year to \$18.3 billion. In 1977, spending on education amounted to 8.2% of the Gross National Product.

Nationally, the average per capita expenditure on education in 1977 was \$733. The provincial breakdown: Quebec, \$794; Alberta, \$793; Ontario, \$735; Manitoba, \$657; British Columbia, \$652; Prince Edward Island, \$640; Saskatchewan, \$640; Nova Scotia, \$632; New Brunswick, \$617; and Newfoundland, \$613.

The number of bachelor's degrees granted is expected to decrease in 1978-79 by 410 to 86,565. Master's degrees and doctorates will continue to increase in 1978-79 by 125 to 12,640, and 30 to 1,760 respectively.

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# Are universities a worthwhile investment?

by Paul Cassano

During periods of economic uncertainty and government budgetary deficits, many taxpayers wonder whether society can continue to afford the costs of higher education. When these economic weaknesses are linked with high unemployment, particularly among young men and women, the value of earning a university degree is also placed in doubt. It is useful, I think, to examine the investment we, as a society, make in our universities from the viewpoints of government, the taxpayer, business and the student, for each has distinctly different demands and expectations.

## The government view

In the early 1960s, the Ontario Government enunciated the basic principle that *all qualified students, irrespective of financial means or geographic location*, should have access to a university education. But, at that time, we did not have sufficient institutions of higher learning located in key regions throughout the province to ensure the objective could be met. The system required substantial expansion. New universities were created and existing institutions were enlarged.

As a consequence, our universities dramatically changed their character from being elitist to being egalitarian. The enrollment figures tell the story of how a university education did become attainable for qualified young people. Ten years ago, there were 79,433 students enrolled in Ontario's universities. Today, there are close to 160,000 enrolled students, of whom approximately 17,500 are studying at the master's and doctoral levels. We should keep these enrollment figures in perspective. While today twice as many students are going to university compared with ten years ago, they still represent only 14% of the total population between the ages of 18 and 24, compared with 10% a decade ago.

## The taxpayer's view

The rapid expansion of the university system required a substantial financial investment. Today many taxpayers are concerned that the cost is too great. But is it?

In the 1977-78 academic year, Ontario's 15 universities, located in 12 communities, cost \$770 million to operate. Of this, \$120 million was paid by students in the form of tuition fees. The remainder was paid by corporate and individual taxpayers—or roughly \$80 per year per Ontario resident. This per capita operating cost is equivalent to the purchase of seven bottles of Scotch a year or a ten-week supply of cigarettes for the average smoker.

Actually, the amount spent in Ontario by government per student on maintaining the existing university system is the lowest in Canada—a sharp contrast with the late 1960s when it was the highest. Evidently, the taxpayer's investment is not being made extravagantly.

The cost of operating the university system is not a dollars and cents loss to the economy. These institutions are substantial businesses in their own communities and regions.

University students and university employees spend many millions of dollars annually in their local communities. Business is the major beneficiary. Private enterprises also

derive substantial income from the universities as the suppliers of goods and services, as well as through contracts for capital projects.

In fact, our analysis of individual universities reveals that the economic returns to the regional economy often exceed the operating costs of these institutions.

## The business view

However, a university is not a business enterprise which should meet the test of the bottom line on a balance sheet. Rather its purpose is to provide excellence in teaching and scholarship as well as to undertake original research that expands knowledge. As such, the university is a fixed asset in society for the benefit of society.

Yet business executives in particular criticize our universities as breeders of socialist thinking as if we are a subversive force poisoning the minds of the young with airy-fairy ideas that undermine economic enterprise and social stability.

Yes, we do teach Marx—as well as Adam Smith and Milton Friedman. A university should be a forum for freedom of expression and thought. But, as a fixed asset in society, we also possess substantial resources and talents which are of productive benefit to business.

As several reports have noted (including the recent "A Science Policy for Canada, Volume IV: Progress and Unfinished Business") Canada's R & D is inadequate compared with other industrial nations. In most western nations, approximately 60% of R & D and pure research is conducted by industry. In Canada, about 60% is undertaken by governments and universities. But still private enterprise is not making as much use as it could of university resources.

In fact, as the facilities, brain power and knowledge already exist in our university system, it would be far cheaper for many businesses to contract research from these institutions than establish or expand their own in-house resources.

## The student view

Ultimately, the measure of value of a university focuses on the quality of our end-product—the degree-carrying graduate. First, what to the student is the purpose of a university education?

The University of Guelph recently asked this question of 253 students. They checked from a prepared list the factors they thought *should be* the most important purposes of a university. Seventy-nine percent said it should be to stimulate the intellect... 38% said to assist in getting a better job... and 34% said to serve the needs of society. Asked to check what *actually is* the purpose of a university, 41% said to stimulate the intellect... 40% said to assist in getting a better job... and about 30% said to serve the needs of society or to keep people off the streets. In any event, 89% agreed that they had gained a great deal from attending university.

This is consistent with an extensive three-year study on the worth of higher education made in the United States. While a similar in-depth study has not been undertaken in Canada, the conclusions are applicable here.

# OTTAWA NOTES

by Jill Greenwell (Relations with Government Officer)

## Caut protests human rights violations

The CAUT has written to Chairman Leonid Brezhnev protesting his government's persistent violations of the Helsinki Accord and its efforts to suppress any criticism by Soviet citizens of such violations. Pointing to the CAUT's long history of defending the universal right of all academics to enjoy freedom of expression without fear of reprisals, the Association has called on the Soviet Government to suspend the sentences against Shchiransky, Ginzburg, Orlov and other convicted members of the Helsinki Committees, to allow those who wish to emigrate from the Soviet Union to do so, and to restore the others to full possession of civil and professional liberties as provided by the Soviet Constitution.

## New sources of royalties for copyright owners

New U.S. copyright provisions will entitle Canadian copyright owners to claim for royalties if works which they have licensed for broadcast by Canadian broadcasters have been re-transmitted by American cablevision companies. However, only Canadian distant broadcast signals (i.e. not available over-the-air in the cable systems community) carried by U.S. cablevision companies within an area 150 miles from the U.S.-Canada border or south from the border to the 42nd parallel, whichever distance is greater, will be eligible to be claimed. Under the new Copyright Act, U.S. cablevision companies will in future have to file statements of broadcasts carried by them (backdated to January 1, 1978) with the Copyright Office in Washington, D.C. The U.S. Copyright Office will collect royalties payable by cablevision companies and will make information available for searches by copyright owners. Further details are available from the Copyright Royalty Tribunal, 1111 - 20th Street NW, Washington, D.C. 20036, or the Research and International Affairs Branch, Bureau of Intellectual Property, Consumer and Corporate Affairs Canada, Ottawa.

## Canada Council budget cuts

The Canada Council has postponed indefinitely its series of public meetings across the country to discuss the Council's report Twenty plus Five and its future mandate. Treasury Board President Robert Andras recently announced that in addition to \$800,000 eliminated from next year's proposed budget for Art Bank purchases, the Canada Council's general budget will be reduced by a further \$300,000.

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The study, entitled "Investment in Learning," concluded unequivocally that the cost of higher education is worth it to the individual and to society.

University students:

- Earn more both right out of school and over their lifetime.
- Are far less likely to be unemployed for any length of time.
- Enjoy significant non-economic returns in the form of personal adjustment and happiness, positive influence on the family unit, cultural advancement, etc.
- Function more effectively as consumers and investors, which contributes to economic progress and economic performance.
- Are better able to make career choices.

But can graduates find work? The answer is "yes". For example, in 1974, 24,002 students graduated from Ontario's universities. The statistics show that 39% had a job arranged on graduation. By September that year (after the summer period) 57.6% had full-time employment, 9.1% had part-time employment, 5.5% could not

find a job, and the remaining 27.8% were not looking for work.

By December, 1975, the employment figures had changed significantly. Of the 24,002 graduates, 70% were employed full-time and 7.4% had part-time employment. Only 3.5% could not find a job—and 19.2% were not seeking employment.

However, university professors believe that a principal purpose of a university education is to develop the individual as a more complete person. Job training is a secondary purpose. In fact, I suggest it is time taxpayers abandoned the notion that a university degree should be a passport to a job. A degree in physics or chemistry is, of course, essential to becoming a competent scientist. A degree in business administration should equip a young person for a career in business. But we should not lose sight of the university as the resource for the preservation and development of knowledge. □

*Dr. Paul Cassano is professor of Linguistics at the University of Windsor. His article is reprinted from the University of Waterloo Faculty Association Newsletter.*



# Jewel in the crown of the Cuban revolution

by Peter David

"If the only thing the revolution had done was to give every child the chance to go to school, that would be enough to justify everything that has happened in this country." Such is the view of Cuban Education minister, Jose Fernandez.

It is a difficult point to refute. Education is the jewel in the crown of the Cuban revolution. At the time of the revolution in 1959, education was not only failing to provide decent schools for Cubans but was showing signs of deteriorating further in the face of an enormous population explosion.

About 49 per cent of children between the ages of six and 14 had no education at all, and 24.2 per cent of the population over 15 ever went to school. Nearly 75 per cent of all Cubans were illiterate. Only one per cent ever finished four years of higher education and fewer than half of those managed to acquire a university degree.

Today an estimated 98 per cent of Cuban children receive free and high quality elementary and secondary education. A massive volunteer literacy campaign in 1961 located and taught more than 700,000 out of 901,000 identified adult illiterates, reducing the illiteracy rate to 3.9 per cent within a year.

In higher education progress has been equally remarkable. In 1959 Cuba possessed three universities with a total student enrolment of about 25,000. But only one of the universities—Havana—had any real significance, containing 13,000 of all the higher education students. The others, Oriente and Las Villas, contained 1,200 and 800 students respectively.

Cuban higher education is one of the remarkable phenomena of the developing world, and has become a major exporter of high-level medical and technological skills. Expansion has been so rapid that in 1976 a separate Ministry of Higher Education was created to cope with a total then of 102,000 students in 28 separate higher education institutions.

Expansion at that rate would be remarkable in the best of circumstances, but for Cuba the circumstances were the worst. Added to the astonishingly poor legacy of educational provision inherited from the Batista regime, the revolutionary leadership had to confront the problems of population explosion, economic blockade, and the emigration of almost the entire class of professionals and technologists who staffed the universities and ran the industries before the revolution.

"Our problem was the need to expand and reorganize higher education just when the number of teachers was falling dramatically", says Dr Wilfredo Cordova Diaz, head of the Higher Education Ministry's department of international relations. "Before the revolution, the universities concentrated on producing social scientists, lawyers, teachers, doctors and dentists. But in a country which depends on the land virtually nothing was done in the fields of agriculture and technology."

In the first few years of the revolution only 35 agricultural engineers graduated each year. Today 1,500 graduate annually in technology, mechanics and construction.

To overcome the teacher shortages produced by the emigration of professionals and technologists, the Government decreed that all the best graduates would have to remain in the universities as teachers. Experts were imported from Socialist countries and from Britain and France, to train future Cuban dons in specialized technical skills.

At the same time, the Ministry of Education adopted the expedient of requiring the most academically able undergraduates to teach their younger colleagues—a policy which was criticized abroad as lowering the quality of higher education, but which Cubans saw as the only solution to a desperate problem.

Another characteristic of higher education established early in the revolution was the importance attached to adult education and the extension into higher education from the schools of the principle of combining work with study.

"Courses for workers" were set up all over Cuba in two forms: under one scheme city dwellers attend night schools to obtain educational qualifications; and in the other there are correspondence courses for rural adults. Both schemes are supplemented by labour legislation granting compulsory time off work for study.

According to Dr Cordova, the basic problems of teacher shortage, manpower planning and changing the social composition of higher education were not overcome until 1970. By then, a new university had been created at Camaguey, and the four universities had spawned extension colleges around the country.

Some 60,000 students were enrolled, and the total rose rapidly to 86,000 in 1975 and 102,000 in 1976. This year some 132,000 students are enrolled in higher education, in an island with a total population of just 9 million.

An essential ingredient of the higher education expansion is the system whereby old institutions spawn new ones. Cuba's four universities are dedicated mainly to pure academic and social science disciplines, particularly economics, mathematics, physics, history, law and languages.

Along side the universities—and parallel in structure and status—are a range of institutes of higher education and polytechnics specializing in particular applied disciplines like agriculture, mining, art or teacher training. At the same time, small embryonic institutes called "university centres" have been set up in each province. As they grow in size and status they will develop either into universities or groups of institutes.

Cubans are fiercely proud of their educational achievements, but tend to speak most about the quantitative leap forward. The quality of higher education is harder to assess, but some

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850 young lecturers are currently enrolled for doctorates, and more are being granted doctorates retrospectively in recognition of their academic excellence.

Nor is there any pretence in Cuba that universities can fulfil the autonomous role they have in capitalist countries. All education in Cuba is firmly under the control of the

central ministries. Students' choice of subjects is strictly guided in accordance with national priorities, and university entrants must demonstrate that in addition to their academic credentials they have "correct" political and social beliefs. □

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# OBSCENITY



## Obscenity bill, 'moral vigilantes' threaten Canadian books, films

by Helen Baxter

I am a professional free-lance writer. I am also a censor, and I am proud of it. I have been so disgusted by the flood of filth, slush, obscenity, salaciousness and prurient material flooding into our lives today, that one must be a censor in order to regain any shred of sanity.

So, if that local group of "Renaissance" people are trying to censor some of the trash currently found in schools, I say "good luck to them — more power to them." May their determination clear up some of the trash, smut, foul junk at present cluttering up school classes and feeble minds.

Where have we all gone wrong?...

Letter to the editor,  
Winnipeg Tribune  
August 1978

During the past few years, and particularly in 1978, there has been an apparent shift among the general public in Canada toward more conservative attitudes. This trend has led to demands on the part of certain pressure groups for tighter social controls and for censorship of anything that is judged to be obscene in literature, film, and forms of public display. Sparked in part by the growing availability of hard-core pornographic material which has been flooding Canadian markets from south of the border, the situation has been greatly exacerbated by the homosexual torture and murder of a 12 year old Toronto shoeshine boy in 1977.

Chief among the pressure groups is Renaissance International, an American organization which is currently working to remove certain books, deemed by its members to be obscene, from Canadian high schools and libraries. In their concern to stamp out "pornography", these and other moral vigilantes have been lashing out at reputable Canadian authors of the stature of Margaret Laurence, Margaret Atwood, W.O. Mitchell, and Ernest Buckler, and have been putting pressure on federal and provincial legislatures for more stringent sanctions against pornography.

The increased pressure from book-banners comes at a time when Canadian literature is enjoying a new stature and respect both at home and outside the country. For an ever-growing number of Canadian authors and book publishers, the threat of public censorship and even prosecution looms on the horizon.

Will the public mood set the tone for government legislation concerning obscenity? And what are the ramifications for learning and

education in Canada — for writers, publishers, teachers, scholars — if demands for censorship continue to grow?

For the past few years, various federal government bodies have been grappling with the difficult question of what exactly constitutes obscenity; and, if indeed it can be defined, whether sanctions against it should be broadened within the Criminal Code.

In 1975, after several years of study, The Law Reform Commission produced a working paper on the subject of obscenity and criminal law. While offering no clear definition of obscenity, the Commission recommended that obscenity should be governed by the Criminal Code only when it gave serious offence and threatened fundamental values of our society.

In February of this year the Commons Justice and Legal Affairs Committee, chaired by Mark MacGuigan, and armed with ten private member's bills, began its study of pornography.

Committee members heard testimony from policemen, religious groups, feminists, lawyers, sociologists and criminologists. During the hearings the committee was inundated with thousands of letters, a large number of which came from fundamentalists in Alberta and the other prairie provinces, as well as from some Catholics in Ontario. The M.P.'s were shocked with displays of lurid hard-core pornographic literature and materials, all of which, it was later reported, would easily bring obscenity convictions under the current law.

Among the expert witnesses to testify was Jacques LaPlante, Director

➡ p. 10

## Bill C-51: an analysis

by Gordon Jones

On May 1, 1978, Bill C-51 was introduced into the House of Commons for first reading. While the bill died on the order paper, it is apparently the intention of the government to reintroduce it in the next session of Parliament. Part of the bill proposes amendments to Section 159 of the Criminal Code, dealing with obscenity. The legislation would widen the definition of obscenity, making special provisions for obscene matter involving children, and increasing penalties for conviction under this Section of the Criminal Code.

One of the objectives of Bill C-51 appears to be the stemming of the flow of hard-core pornography into Canada and the penalising of the criminal interests allegedly responsible for it. The Commons Standing Committee on Justice and Legal Affairs reports that "most of the production, manufacture, distribution, importation, and sale of sexually explicit material is effected by highly organized, strongly motivated, well-financed criminal networks having their centres of control in various parts of the United States".

However, the Bill resulting from the report of the Standing Committee is so broadly framed that it threatens traditional concepts of freedom of expression. If passed, its provisions could well be used to inhibit or harass reputable writers, artists and teachers. This may not be the intent of the legislation, but it could clearly be one of its effects, so that medical textbooks, sex education material, textbooks in the social sciences, literary and artistic works might all become liable to prosecution under new definitions of obscenity.

Such apprehensions are not far-fetched. Canada is witnessing renewed pressure from various quarters for public censorship of material that may be objectionable to some, and for more stringent sanctions against permissive morality. The swing towards repressiveness may be a manifestation of a general public trend, or it may represent simply the vociferous efforts of a minority within the community. Nevertheless, pressures have recently been exerted on school boards in various parts of the country to withdraw from the curriculum supposedly indecent works by such reputable authors as Ernest Buckler, Margaret Laurence, W. O. Mitchell, J. D. Salinger, and Chaim Potok. The Canada Council has also been subjected to public criticism of late for making grants to artists whose work, in whole or in part, may be distasteful to some members of the community, and calls have been made

for closer monitoring of the artists whose work is being supported by public funds. The Ontario Censorship Board recently banned a film entitled *Pretty Baby* because of its theme (child prostitution), not, it is reported, because of offensiveness of presentation. Are some topics, then, socially unacceptable regardless of the manner in which they are treated?

It is not inconceivable, therefore, that bolstered by fresh legislation, aggressive campaigns of this nature could be mounted by the pure of mind against institutions of post-secondary education in Canada, with the threat of prosecution as well as public pressure in the background.

Very much in tune with a less tolerant attitude towards public treatment of sexual themes is the report of the House of Commons Standing Committee on Justice and Legal Affairs (March 1978), which provides the basis for the proposed amendments of Section 159 of the Criminal Code contained in Bill C-51. The Committee argues that the dramatic increase in recent years in the availability of sexually explicit material is a serious social problem. Without citing evidence in support of its thesis, the Committee makes some disturbingly sweeping and authoritarian pronouncements. The Committee argues that "A society which holds that egalitarianism, non-violence, consensualism, and mutuality are basic to any human interaction, whether sexual or other, is clearly justified in controlling and prohibiting any medium of depiction, description or advocacy which violates these principles".

In pursuance of this paradoxical goal of enforcing consensualism and mutualism through prohibition, the Committee recommends *inter alia* that "the testimony or evidence of expert witnesses as to community standards should under no circumstances be permitted" in obscenity prosecutions. "Real community standards are local in nature", the committee argues, and permitting the criterion of national standards of acceptability to apply through the role of expert witnesses in obscenity trials has "led to undesirable results". The difficulties of such arguments for educational and cultural institutions which have a more than local dimension are evident, especially if the distinction between standards of taste and standards of tolerance becomes blurred. But even if the distinction is preserved between that which is distasteful but tolerable and that which is distasteful and in-

➡ p. 12



# Police move in to realm of the

By ROBERT WILLIAMSON  
Globe and Mail Reporter

VANCOUVER — After two viewings earlier this summer, Mary-Lou McAusland put her British Columbia film censor's official stamp of approval to the controversial, some say pornographic, Japanese film, *In the Realm of the Senses*.

"Now," she said, "it's up to the public."

But the police allowed the public just one peep.

After their own private viewing, the police pronounced the film obscene. They threatened to charge the theatre if it went ahead with a planned second screening Vancouver International Film Fest.

The film, acclaimed at more than one class

Mr. Mair would not retract a single word after talking to Mr. Gardom. "You either prosecute for the crime you allege has been committed, or you keep your mouth shut."

The B.C. Civil Liberties Council's action entered the case. The B.C. Civil Liberties Council's action entered the case.

Films, too, have been bearing the brunt of recent attacks by the censors. Earlier this year, *Pretty Baby*, a film about juvenile prostitution, was banned in Ontario. This summer, the Japanese film, *In the Realm of the Senses*, said by some to be pornographic, received the stamp of approval of the British Columbia film censors, then was subsequently pronounced obscene by the police. After their own private viewing, the police in Vancouver threatened to charge a theatre there if it went ahead with a planned second screening at the Vancouver International Film Festival.

In September, the Ontario Board of Censors threatened to disallow a premiere showing of *In Praise of Older Women*, which was to open Toronto's Festival of Festivals, unless the producers agreed to cut two minutes of film. The movie, nominated for ten Canadian film awards and based on a controversial Canadian novel, deals with a young man's love affairs with seven older women. The censors subsequently reduced their demand to a 38 second cut, but Bill Marshall, festival president, announced he was prepared to show it uncut in defiance of the board.

proposed changes could result in prosecution of newspapers for reporting crime details and could be used to stop publication of books, magazines or the showing of movies dealing with crime. They said the bill puts the onus on the defendant to prove that the public good is served by a publication, an approach which they say violates the basic principle of Canadian justice that one must be proven guilty.

The Advisory Council on the Status of Women came out strongly against the pornography proposals contained in Bill C-51. A study paper commissioned by the council in reaction to the bill stated that censorship cannot be justified by the fact that pornography degrades women. The inequality of women, the existence of violence, and the expression of horror and cruelty will not be solved by suppressing their depiction, but by less superficial measures such as education, equitable social programs, and control of gun sales, the council suggested. "If we follow the argument (as adopted by the Justice Committee) that the portrayal of women in pornography degrades women, and that this justifies censorship, we should also be ready to legally restrict the publication and distribution of the vast majority of elementary school textbooks which also depict sexual victimization and sexuality and thereby also degrade women."

The Canadian Civil Liberties Association has protested Bill C-51 and is sponsoring public meetings in

Obscenity bill... from p. 9

of the Department of Criminology at the University of Ottawa. Mr. LaPlante informed the committee that although many different studies of pornography have been carried out during the past fifteen to twenty years, it has been impossible to establish a link between pornography and mental disorder or criminal conduct; or between pornography and violence or different types of sexual offences. Mr. La Plante referred to recent studies from Denmark and Sweden which concluded it was improbable that pornography could lead to a change in sexual instincts such as homosexuality, sadism, or masochism, or could even cause any kind of harm to the individual.

Also testifying before the committee was R.C.M.P. Commissioner Robert Simmonds. Referring to police investigations of pornography as "wasted time", Commissioner Simmonds told committee members there wasn't "any high degree of alarm" about pornography in Canada. The Commissioner attributed any problem in the area to inadequate enforcement of the current law. "The present law is not that bad", he said.

Despite such testimony, the all-party committee's unanimously approved report, which was issued in March, recommended a new Criminal Code definition of obscenity which, some commentators have noted, could be among the broadest in the Western world. The proposed definition would be expanded to include undue exploitation of crime, horror, violence or cruelty — at present such subjects are obscene only in combination with sex — and would include the phrase "the undue degradation of the human person". According to this expanded definition, many works of fiction and non-fiction, which are not generally regarded as obscene, might well be viewed as obscene under the law.

The committee also recommended that the "community standard" approach be reinforced through changes in the law that would allow an attorney-general to order a jury trial, whether the accused wanted one or not. Also aimed at reinforcing the "community standard", to reflect regional or local feelings about what is or is not obscene, would be another legal change making the testimony of so-called expert witnesses concerning community standards inadmissible. Under the proposed system of judgement, books found to be obscene in one area could be permitted in others. University libraries may be able to obtain books in one part of the country but not in others. A publisher or distributor could be charged and convicted for violating the standards

of a single community, even if the material was acceptable in the rest of the country.

Commenting on the committee's report, MacGuigan has been reported as calling its recommendations "the most liberal conceivable" given public demands.

The MacGuigan committee's revised definition of obscenity was subsequently adopted by Justice Minister Ronald Basford in his omnibus bill amending the criminal code — Bill C-51 — which was tabled in the Commons in June. The new expanded definition was incorporated into the bill despite the fact that Mr. Basford had stated clearly when the Justice committee began its study that he did not believe the solution to the pornography problem lay in materially changing the definition of obscenity. He said at the time that public complaints were due to inadequate enforcement of the present law. Why did he go along with changing the obscenity definition? An aide suggested it was because he was responding to the wishes of Parliament.

When the House recessed at the end of June, Bill C-51 died on the order paper. An amended version is slated for reintroduction in the fall. Regardless of the final outcome of the legislation, however, the current reactionary climate in the country gives cause for concern. Books may still be removed from school libraries without any restrictive legislation. And the book banners have been hard at work this year resulting in a growing incidence of local censorship across the country.

The pressure seems to be greatest in rural Nova Scotia and Ontario and around St. John, New Brunswick. School boards in those areas have been going through school libraries and removing novels that a generation of students have come to accept as classics. In Ontario, small pressure groups have succeeded in preventing the study of Margaret Laurence's *The Diviners*. Last year, Peterborough in particular, was the centre of a massive campaign to have several of Laurence's novels removed from the school curriculum. Also, *Lives of Girls and Women*, *Flowers for Algeron*, and even *The Merchant of Venice* have come under the censor's axe. This fall *The Diviners* and Margaret Atwood's *The Edible Woman* quietly disappeared from the Wentworth County (Hamilton) list of approved texts.

In St. John, the communists or "demented or diabolical minds" have been blamed for foisting blasphemous and salacious material on impressionable children by having it placed on the New Brunswick school curricula. In particular, W.O. Mitchell's classic *Who Has Seen the Wind* has been cited, but the list also includes *Catch-22*, *Catcher in the Rye*, *The Mountain and the Valley* and *A Day in the Life of Ivan Denisovich*.



The famous bathtub scene that you won't see in *In Praise of Older Women*.

Meanwhile, concerned groups across the country have been mobilizing to deal with the onslaught of censorship in Canada and any broadening of the clauses dealing with obscenity contained in the Criminal Code.

The Writers' Union of Canada has appointed a committee, headed by June Callwood, to monitor any attempt to limit freedom of expression, and to come to the aid of beleaguered high school English teachers, who are particularly vulnerable to reactionary school boards. Reacting to Bill C-51, The Writers' Union protested in a telegram to Ron Basford that the provisions of the bill applying to obscenity would either be unenforceable or else would result in a very great threat to literature and journalism in Canada. The Union has recommended that references to obscenity be removed from the Criminal Code and replaced by regulations controlling public display of offensive material and access to such material by children.

Joining the protest, the Periodical Distributors of Canada announced in a statement after the Basford bill was introduced that the proposed amendments violated the fundamental freedom of the news media to report on crime and the right of freedom of choice in reading material. The distributors said the

Toronto during September to debate the obscenity issue.

The Canadian Booksellers association has also expressed alarm at the growing tide of reaction in Canada. At their annual meeting in June, Randall Ware, the association's executive director, said the wave of suppression and nastiness has been causing considerable concern in the CBA offices in Toronto. "If it's happening in school libraries, it won't be long before it happens in book stores," he warned.

Many national groups, including the CAUT, are planning submissions to the government in anticipation of the reintroduction of obscenity legislation this fall. The CAUT plans to object to any broadening of the definition of obscenity which would limit literary or artistic activity in this country. It will also oppose any attempt to allow local option to ban works which should be available to all Canadians if they so choose to purchase or to view them. However, the CAUT will support provisions in the proposed legislation which will ban the sale and distribution of materials which photographically depict actual children engaged in real sexual activity provided there are safeguards for medical and psychiatric books and provided that such changes cannot be interpreted to ban *Catcher in the Rye* or *Romeo and Juliet*.



Early in the spring of this year it began to be obvious that another war on books was gathering force in Canada.

It has been twenty years since J.D. Salinger's *The Catcher in the Rye* was under attack in this country as a debauched book and was removed from most schools, and it is longer since the famous obscenity trials involving *Lady Chatterly's Lover*. In the meantime attitudes toward sexuality have changed; dress, language and courtship all are altered. Since "community standards" traditionally have been the arbitrator in matters of obscenity, it appeared that only vendors of hard-core pornography were in any danger of restrictions, and there was little general sympathy for their plight.

It was assumed that literature of established quality was safe from reproach and The Writers' Union of Canada, under the creative and committed leadership of Graeme Gibson, pressed to have more Canadian books introduced into Canadian schools. It is only recently that CanLit began to bloom in Canadian high schools.

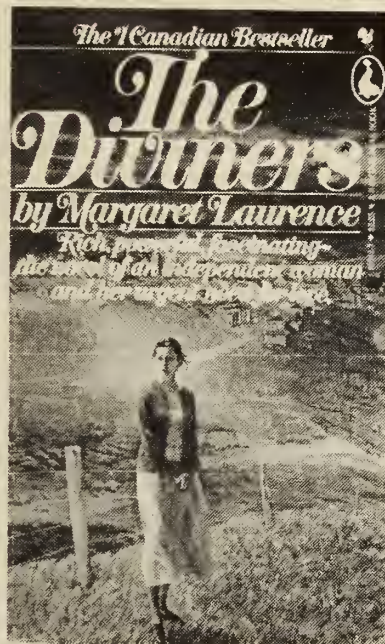
Meanwhile Renaissance International has emerged in Canada and is directing its attention to removing certain books from Canadian high schools. Backed mainly by members of fundamentalist religions and including the Catholic Women's League, Renaissance International attacked such Canadian books as Alice Munro's *The Lives of Girls and Women*, Ernest Buckler's *The Mountain and the Valley*, W.O. Mitchell's *Who Has Seen the Wind*, Margaret Laurence's *The Diviners*, and *A Jest of God*, and Mordecai Richler's *Son of a Smaller Hero*.

Other books of world stature which have been found offensive are John Updike's *Rabbit Run*, John Steinbeck's *Of Mice and Men*, Joseph Heller's *Catch 22*, Alexander Solzhenitsyn's *One Day In The Life Of Ivan Denisovich*, Ken Kesey's *One Flew Over the Cuckoo Nest*, and J.D. Salinger's *The Catcher in the Rye*.

The method of enlisting parental support is to circulate among members of congregations, several pages of excerpts taken from these books. Blasphemy is deemed as abhorrent as copulation, hence this appears among the quotes from *The Diviners*, "Now I'm crying, for God's sake," and this from *The Catcher In the Rye*, "He started cleaning his goddam fingernails with the end of a match."

## Obscenity and The Writers' Union of Canada

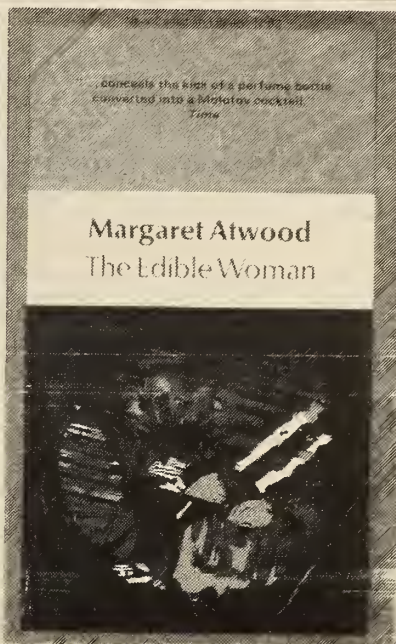
by Jane Callwood



The results are spectacular. In Huron County in southwestern Ontario, Turnberry Township Council voted 35 to one to ban *The Diviners*, *Of Mice and Men*, and *The Catcher In the Rye* from Grade Thirteen English courses. The Huron County Council, the town councils of Goderich and Bayfield and the reeve township of Hay also supported the banning.

The Writers' Union of Canada at its annual meeting in Ottawa in May decided to establish a Political Committee with a broad membership across the country. The Political Committee, chaired by June Callwood, functions to defend all endangered books in schools and libraries and to make representations to the Minister of Justice to protest the proposed widening of the definition of criminal obscenity in this country.

Ron Basford's Bill C-51, describes obscenity as "undue exploitation of crime, horror, violence or cruelty" and "undue degradation of the human person." It's a bill that would catch



Dickens and Dostoyevsky. TWUC has been advised that the Minister of Justice will receive a brief from writers and is prepared to meet with them to discuss it. (*Bill-51 has been temporarily shelved. Ed.*)

The campaign to defend the books on behalf of librarians and English teachers is less clear-cut. On the invitation of Huron County teachers, a group from The Writers' Union, Alice Munro, Janet Lunn and June Callwood, and a poet from London, Steve Osterlund, attended a public meeting in June in the Clinton High School.

The *Globe and Mail's* William French reported on it with sensitivity. "It would be easy for urban sophisticates to dismiss the meeting that took place in the high school gym here on Tuesday night as just another example of rural Ontario's redneck conservatism, but that would be much too facile and even dangerous...It had the stuff of novels...There is a strange mood abroad in the land."

Fully aware of the depth of feelings these book excerpts evoke, and respectful of the dignity and decency of the opposition, TWUC is preparing a defense folder which will be circulated to teachers and librarians. It will contain some history of obscenity laws and trials, a cartoon from Margaret Atwood, and something described by those who have used it as outstandingly helpful, a poem which protesting parents are asked to complete when registering their complaint against a book. The questions ensure that the parents will have read the entire book in order to ask to have it banned.

There is talk of an evening of readings from the threatened books. TWUC is prepared to take to court over-zealous supporters of Renaissance International who slander our members. Writers will respond to local appeals for help. There are links being established with teachers' organizations, and through the Book and Periodical Development Council's Freedom of Expression committee (FOE) with the Association of Canadian Publishers, the Canadian Book Publishers' Council, the Canadian Book Sellers Association, the Canadian Periodical Publishers' Association, the League of Canadian Poets, and the Periodical Distributors of Canada, together with other alliances with the Periodical Writers Association of Canada, the Canadian Civil Liberties Association, and the Fédération Professionnelle des Journalistes du Québec and the Union des Ecrivains Québécois.

All portents indicate an increase in number and intensity of efforts to remove books from classrooms and shelves. Since the support of Members of Parliaments and provincial legislatures is regularly sought, and often secured, censorship is certain to be a divisive issue in elections in the coming years.

The most serious threat to literature comes not from these assaults but from the apathy of those who believe that the human spirit is celebrated as profoundly in books as it is in temples. The widespread conviction among the erudite that these small-town disputes are diverting but not dangerous is the greatest enemy that artistic freedom faces.

Canadian writer June Callwood is a member of The Writers' Union of Canada and heads its Political Action Committee.

## Obscenity controls in Canada, U.S. and New Zealand — a comparison

by Terence Arnold

The control of obscenity is once more on the minds of our legislators. The provisions of Bill C 51 illustrate again the Government's desire to "do something" about obscenity. This desire may well be neither proper nor sensible; but it is there. How is it currently being implemented through the legal process?

Formal efforts at controlling the distribution of obscene material in Canada are multi-faceted, occurring at all levels of the governmental process and involving a variety of different techniques. Controls are imposed through the normal criminal process, through federal departments such as

Customs and Excise and the Post Office, through provincial film censorship boards, through federal and provincial agencies with regulatory and licensing powers over a wide variety of activities (for example, the C.R.T.C. and provincial liquor licensing boards) and through the law-making and licensing powers of municipalities.

So broad-based an attack is likely to create problems. And it has. Compare, for example, control through the criminal process with that through the Customs and Excise department. The criminal process is highly visible. The formulation of criminal

legislation is usually attended by considerable publicity. There is an opportunity for public participation. The activities of those who enforce the criminal law — police, judges and so on — are subject to controls, both formal (for example, the powers of the police are limited, the courts must apply legislative definitions and judicial decisions are subject to appellate scrutiny) and informal (for example, media reporting generates publicity). Yet there is little evidence that this closely governed criminal process has much *direct* impact upon the distribution of obscenity. Clearly, on the other hand, the activities of customs officials do have a considerable direct impact, as the department itself recognizes:

Considering the flood of pornography awash at Canada's doors, the Department had its hands full enforcing the prohibitory provisions of the Customs Tariff denying its clearance into Canada. (1977-8 Annual Report at p. 10).

Despite the great functional significance of the efforts of customs officials, however, there are few

controls upon them. Such officials may forbid the importation into Canada of "books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character" (Item 99201-1 of Schedule C of the *Customs Tariff*). Neither the legislature nor the judiciary has given any substance to the vague words "of an immoral or indecent character" or placed any limitation upon them. The Department itself has formulated guidelines, a legislative exercise which raises obvious theoretical difficulties. Despite these guidelines the importer must rely largely upon the judgement and good sense of the individual customs officer, although there is a right of appeal to higher departmental officers and ultimately to the courts. Wide discretionary power of this sort is common in the regulation of obscenity outside the criminal courts. Another common problem is lack of consistency. For example, the words quoted above have been held to be wider in ambit than the definition



Obscenity controls... from p. 11

of obscenity in the Criminal Code, so that the importation of material which would not be obscene under the Code may be prohibited. A further illustration is found in the fact that people who have received approval from provincial film boards to exhibit particular films have been convicted of obscenity offences as a result of acting upon that approval. While this is legally justifiable it is surely quite unfair.

In Canada, then, customs and other such administrative and regulatory officials have wide freedom of action. Their discretion is exercised without publicity, without carefully drawn guidelines or objectives, without clearly articulated reasons, often without any realistic possibility of review and often also with little regard for what other governmental officials are doing. If federal, provincial and municipal governments are to be in the business of regulating obscenity, offering recommendations for harmonizing and rationalizing their efforts would be a more fruitful task for a Parliamentary Committee than hacking again at the definition of obscenity.

I am not suggesting that one, single approach to problems of obscenity should or can be developed. Concerns about obscenity arise in many different contexts. Attempts at regulation are most sensibly directed at specific concerns. What is satisfactory in one context may be wholly unsatisfactory in another. Differences, then, will exist, but they should at least be capable of rational explanation and should not affect people in a way that is obviously unfair.

Efforts have been made in some other jurisdictions to impose

some degree of order upon obscenity regulation. In the United States, for example, lawyers have attempted to confine and structure the discretion of governmental officials in obscenity-related matters. As an illustration, they have utilized the First Amendment guarantee of free speech. The Supreme Court has held that obscenity does not fall within the protection of the First Amendment. To separate obscenity from constitutionally protected speech the Court has developed a number of descriptive principles. Lawyers have attempted to utilize these principles to attack the decisions of regulatory bodies such as the Federal Communications Commission. They have had some success in this, although they recently suffered a reversal in a 5/4 decision of the Supreme Court. I suspect, however, that there is greater consistency, at least in the formulation of the principles to be applied, in the United States than in Canada, although actual decisions may vary from locality to locality and from context to context.

A rather different and more radical approach has been attempted in New Zealand. There, in 1963, an Indecent Publications Tribunal was established. This tribunal, consisting of five members, one of whom is a lawyer and two of whom are persons with special qualifications in literature or education, has the power to consider and classify recordings, books, periodicals, photographs and other documents. Central to the Tribunal's task of classification is the notion of indecency, which includes "describing, depicting, expressing or otherwise dealing with matters of sex, horror, crime, cruelty or violence in a manner that is injurious to the public good". A number of classification categories are open to the Commission — not indecent, indecent in

the hands of any person under a particular age and indecent except in the hands of particular classes of people or unless used for particular purposes. Matters are generally referred to the Tribunal by the Comptroller of Customs, the Minister of Justice, the police or the public through the Attorney-General or the Courts. The Tribunal is obliged to reserve its decisions and to give written reasons for them.

Such a process arguably offers a number of advantages. Concentrating many of the decision-making powers in one body makes possible some consistency of approach. The requirement of written reasons ensures at least an attempt at rationality and encourages the development of a settled body of principles. This has benefits for publishers and retailers, who obtain some real sense of what the Tribunal will and will not find acceptable. So also for governmental officials. The process is an open one. It is also flexible. Many of the procedural and evidential rules which bind courts do not bind the Tribunal. Matters can be submitted to the Tribunal for reconsideration and reclassification. The process concentrates upon the book, not its purveyor. Material can be submitted in draft form. The Tribunal does not seek to determine, or to utilize as a guide, the standards of the community. Rather it exercises its own collective judgement, leaving its acceptability to New Zealanders to depend upon the overall quality of its decisions, the manner in which they are justified and the reputation of its members.

Obviously, however, the process has its drawbacks, and it may be particularly unsuited to the Canadian context. Some will find the existence of a book-banning tribunal

unacceptable. Others will object to the relatively restrictive approach that such tribunals have historically taken. Moreover, New Zealand is a small country, isolated from the production centres of hard-core pornography. Canada is neither of these. Thus the nature of the perceived problem in the two countries is quite different. In New Zealand the work of the Tribunal has obtained a large measure of public acceptability. I rather doubt that that would occur in Canada. Finally, the Tribunal in New Zealand reflects a strong liberal, intellectual bias. "Good" literature has effectively been isolated from attack. The Tribunal has concentrated upon "girlie" magazines, "trash" novels and, to a much lesser extent, upon various "revolutionary" works (for example, muck-raking comic books and free-wheeling sex education manuals for young people).

If the Canadian Government wishes to do something about obscene material it ought, in my view, to forget about retooling the concept of obscenity. Rather, it should state specific, limited goals which it desires to achieve and should shape its efforts towards their achievement. Examples of such goals might be the prevention of the commercial exploitation of hard-core pornography and of children's sexuality and the protection of people from unsought after exposure to explicit sexual material. The formulation of such goals would provide the foundation for the development of a consistent and rational structure. And who knows — such objectives may actually be capable of attainment.

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Bill C-51: an analysis... from p. 9

tolerable to the community, how are standards of tolerance of the national community to be established and how is a defendant in an obscenity prosecution to provide acceptable proof as to those standards. Are national standards of tolerance those prevalent in the major cities, or do they fall mid-way between Toronto and Lethbridge, or what? While the recommendations of the Committee concerning the enforcement of local standards of tolerance and the banning of expert witness have not been embodied in the legislation, many of the Committee's basic assumptions and moral values are implicit in Bill C-51.

Legislation on questions of taste, manners and morals is extremely difficult because of the subjectivity of criteria involved in the interpretation and application of law in this area. The whole notion of obscenity, of what it is and what effects it has, is a difficult and complex one. Obscenity, according to a standard judicial test, the English *Hicklin* test of 1868, is that which "would suggest to the minds of the young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character". While the *Hicklin* test itself is no longer applicable in Canada (*Dechow v. The Queen*), some variation of it would appear likely to resurface in alternative judicial tests. Notions of purity change from age to age and from person to person. And is this, in any case, an appropriate yardstick at any time and place? "Should the test of obscenity", in the words of the study paper of the Law Reform Commission of Canada (1972), "be based upon the

supposed effect of the work on the lowest level of intellectual and moral discernment in the community?" Contrariwise, is it not appropriate that children should be protected against exposure to possibly disturbing adult material when they purchase candy at the corner store?

Does pornography subvert the morality of the community? Is the criminal law the proper means of affirming the community's standards of taste and morality? Does obscenity have directly harmful effects which make it a proper subject for legal sanctions? Is obscenity inherent in certain phenomena? Or is it dependent on such variables as intent, context, audience, distribution? May a thing be obscene under one set of circumstances but not under another? How does one balance an individual's claim to freedom of expression against another individual's claim not to be subjected to repugnant stimuli? These are not easy questions, but the report of the Standing Committee and Bill C-51 make no attempts to come to terms with them.

Bill C-51 extends the definition of obscenity in Section 159(8) of the Criminal Code by introducing new terminology and a new category. The present section reads:

(8) For the purpose of this Act, any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene.

The first part of the proposed amendment reads as follows:

(8) For the purposes of this Act, a matter or thing is obscene where

(a) a dominant characteristic of the matter or thing is the undue exploitation of sex, violence, crime, horror, cruelty or the undue degradation of the human person;

Thus, the amendment would allow for the prosecution of material for the "undue exploitation" not only of sex, or of sex in combination with other matters, but for the "undue exploitation" of any one of "violence, crime, horror, cruelty or the undue degradation of the human person", without the element of sex necessarily being present.

A considerable proportion of ancient and modern literature might be regarded as manifesting as a dominant characteristic the "undue exploitation" of "violence, crime, horror, cruelty", including a number of Shakespeare's plays. Even if there were good cause for concern over the prevalence of excessively violent material in contemporary society, legislation would need to be approached with extreme caution. Social custom and jurisprudence over a period of time have helped to mould a sense of what is and what is not offensive in the sexual area. Legislation on violence would be starting *de novo* in a very uncertain field. For example, while there can be little doubt that many modern publications and films titillate by the use of violence, is such titillation to be actionable? And is one to make a distinction between works which use violence to titillate and those which use it to reprehend the violence of modern society (*Heller's Catch-22*, the plays of Edward Bond, the film *A Clockwork Orange*, for example)?

It should be noted that the proposed amendment 159(8)(a) introduces a new and puzzling category of "degradation of the

human person". Presumably this catch-all category would permit prosecution of materials which, in the words of the Standing Committee, "are unacceptable in a society committed to egalitarian, consensual, mutual and non-violent human relationships". Specifically, this category appears to arise out of the following sentences in the report of the Standing Committee:

A close examination of this development has revealed the emergence of a number of unhealthy social tendencies which are unacceptable to the vast majority of Canadians. This material is exploitive of women — they are portrayed as passive victims who derive limitless pleasure from inflicted pain, and from subjugation to acts of violence, humiliation, and degradation. Women are depicted as sexual objects whose only redeeming features are their genital and erotic zones which are prominently displayed in minute detail.

The futility of framing legislation to deal with this problem is well revealed by the arguments presented in a paper prepared for the Advisory Council on the Status of Women (May 1978):

The inequality of women, the existence of violence, and the expression of horror and cruelty will not be solved by suppressing their depiction. They will be solved by other less superficial measures such as education, equitable social programmes, and control of gun sales. If we follow the argument (as adopted by the Parliamentary Committee on Justice in its recent report on obscenity) that the portrayal of women in pornography degrades women, and that this justifies censorship, we should also



# A commentary on proposed amendments to the federal obscenity law

by John D. Whyte

The omnibus bill to amend the Criminal Code (and other federal legislation dealing with crime) which was introduced into the federal House of Commons on May 1st this year, dealt with a wide variety of matters of procedural and substantive criminal law. Possibly the most far-reaching changes were those which altered Canada's law for punishing the production and distribution of obscene material. These amendments to the obscenity law were preceded, by some five weeks, by the recommendations of the House of Commons justice committee. These recommendations were seen by the press and the community at large to entail an alarming threat to freedom of speech and the press, and an encouraging level of public discussion followed the committee's report.

The two most notable elements of the committee's recommendations were, first, widening the definition of obscenity and, second, attempting to infuse into the meaning of obscenity the standards of particular communities about the acceptable use of sex and violence in literature and performances. Although not all of the measures urged by the House Committee's report found their way into the government's omnibus bill, the bill does amend the obscenity law to reflect both these elements of the committee's recommendations. Unfortunately, public debate about the changes has not continued in the period after May 1st even though it is arguable that a society's level of tolerance for publications which a majority consider repugnant is of very great long term significance to the health of the body politic.

When the House returns this fall for the new session the new Minister of Justice will undoubtedly re-introduce the omnibus bill and it is likely that unless public concern is expressed about the provisions of the bill dealing with obscenity Parliament will approve the changes found in the May 1st bill. It is not clear exactly what factors have made elected representatives sense that the route to political well-being includes controlling published and produced material but there is no doubt that considerable anxieties about the degeneracy of society have been fanned. As a result it is necessary to articulate the precise dangers which are inherent in the kind of control of speech and press which is being proposed by this bill.

## Effects on children

Before looking at the specific amendments it is perhaps worth noting that one of the major concerns expressed in the recent anti-pornography mood has been the effect on children both viewing obscene material and participating in its production. The latter problem has been attacked by defining obscenity to include material which portrays children engaged in sex acts or which presents children as sex objects. In addition, the section of the Criminal Code which presently deals with the defilement of girls has been amended to include the defilement of boys and, a new section of the Code has been proposed to make it an offence to participate in, permit, or receive the avails from, "the sexual

misconduct, defilement, seduction or prostitution" of a child. Whether that list catches all that happens in child pornography I am not sure. The Committee's proposed wording, which was not used, was more explicit and, I would have thought, more inclusive.

In any event, the former problem of the availability to children of pornography is not explicitly addressed. In 1975, the Law Reform Commission of Canada recommended that the distribution of obscene materials to children should be proscribed. Some members of the House Committee evidently thought the suggestion was ludicrous on the grounds that the quality of content did not change depending on age of the viewer. However, the Law Reform Commission's view would seem to be desirable. In the first place, such a proscription would serve to confirm the predominant view of the moral quality of obscenity: that it represents a debasement of individual human worth and human interaction and directs that view specifically towards that part of the population for which the state has traditional and distinct socializing responsibilities.

On the other hand, such a provision would lessen the need to monitor adult conduct, however degenerate, self-destructive and unpalatable it is to contemplate, unless there was a showing of social harm. (One would have to qualify "social harm" to recognize that we are accustomed to tolerating a high degree of social harm from such things as overeating, smoking, drinking, eating junk food, watching TV and looking at bad art.) Making and consuming pornography is not an exhaustive description of the ways in which people fail to contribute either to society's growth or to their own personal growth and our law should recognize this when regulating the private behaviour of adults.

As stated earlier, the proposed amendments expand the legal concept of obscenity, and alter the role of community norms in determining guilt. This second feature is perhaps less of a threat of civil liberties but nevertheless creates some anxieties. The present law states that material, the dominant characteristic of which is the undue exploitation of sex, or sex in conjunction with crime, horror, cruelty and violence, is obscene. This has meant that prosecutors must not only show that sex is a dominant characteristic of the work and that its treatment is exploitative but that the exploitative treatment is "undue". Whether the exploitative use of sex is undue depends on the creator's purpose, the artistic, or scientific merit of the work and, finally, "its acceptability in light of contemporary community standards."

The concept of "community standards" as it has been applied in obscenity cases has been a national standard. This is the result of the application of, at least, three important principles. The first is that, since defining what constitutes criminal guilt was put primarily within the domain of the central government so that the people of Canada would lose their freedoms to roughly the same degree after roughly the same

wrongful conduct, it seemed logical that the norms for obscenity should be as uniform as possible. To this end the vagueness and open-endedness of "undue" was ameliorated by attempting to bring a consistent national standard to bear on material under prosecution.

Second, it was felt that the obscenity legislation, although perhaps necessary, posed a threat to artistic, intellectual and political development. Therefore, the standard of tolerance ought to be the standard that existed at the critical cutting edge of Canadian society. For this reason evidence of the community standard given at obscenity trials has come from expert witnesses who have largely been literary, or art, or theatre critics. Likewise, sociologists and political scientists have also been used to provide evidence of the community standard. This has meant that the community standard has not been what a representative sample of any particular community finds unacceptable but rather what is unacceptable to a society which, in some part, is dedicated to an open-minded critical interaction with works from all sorts of literary and artistic producers. It is thought that this level of tolerance is appropriate for a society which accepts the dangers of *a priori* categorization of useful and unuseful, worthy and unworthy, and acceptable and unacceptable speech and print.

## Consistent concept of obscenity

Third, a national community standard might conduce to some consistent concept of the content of obscenity. The result should be that persons who are writing or producing art or theatre have some chance of knowing what is considered to be obscene. This is a different point from the one made about the need for uniform conditions for punishment. The problem here is not only that we do not want to punish people inconsistently but we don't want to restrain people from producing material because they cannot perceive the boundary between obscene material and material which is not likely to lead to prosecution. We prefer that there be as knowable a standard as possible so that the addressees of the legislation will not be intimidated by the prospect of inconsistent prosecutions.

The omnibus bill destroys these values to some extent by strengthening the role of the norms of particular communities. Although the House Committee's drastic recommendation that "evidence of expert witnesses as to community standards should under no circumstances be permitted" during the trial of a person charged with obscenity was not adopted by the government, it did adopt the recommendation that would bring obscenity charges within that class of changes in respect of which provincial Attorneys-General may order the accused to be tried by judge and jury. Normally an accused person is able to elect whether to be tried by a provincial judge, or federal judge alone (usually a County, District or

Superior Court judge) or by judge and jury. By increasing the penalty for obscenity to liability for imprisonment for up to ten years the government has placed obscenity in that relatively small group of serious offences which takes the ultimate choice as to mode of trial away from the accused. Of course, it does not necessarily follow that trials by juries will lead to a change in the concept of "community standard". Defence attorneys will still be able to produce evidence about a national community standard which should affect the jury's thinking. However, the likelihood is that the use of jury decisions will infuse the concept of obscenity with local ideas about what is the tolerable level of sex in literature, art and performances. The reasons for this are obvious. Part of the presented case for the prosecution will be the offending work or details of the offending performance. Jury persons will find it difficult to divorce their private aesthetic and moral judgments from consideration of whether the material is obscene and, as a result, the twelve jury persons will become a community panel, randomly chosen but probably representative of local community views about the sorts of literature, art and performances that ought to be available. The idea of a national community standard will be eroded and the restrictions on materials will increase, will be unevenly developed and will be unevenly applied. (If one adds to the notion of what the jury thinks ought to be available, the phrase "to our children" (as juries will doubtably be invited to do in many cases) then the problem will be even more acute.)

Furthermore, it is possible to assert that it was part of the government's design that the concept of community standards should be altered and made local. That this was the House Committee's purpose is clear from its report. Likewise, the Minister of Justice did not merely announce the increase in penalty but in his news release went on to spell out the implications. The release stated that the amendments dealt with the major concerns of the justice committee and then went on to say, "to this end, the bill proposes that the Attorney-General may require that a jury make decisions as to obscenity."

## Two significant changes

The final concern with the bill is with the changes in the definition of obscenity. There are two significant changes. The first is to describe as obscene material the dominant characteristic of which is the undue exploitation of sex, violence, crime, horror, cruelty, or the undue degradation of the human person. The new description detaches sex from violence, crime, horror and cruelty. Formerly the necessary condition for an obscenity prosecution was sex, albeit that sex in the context of cruelty etc. was enumerated separately. In addition, the new description adds "undue degradation of the human person." This latter addition is patently vague and includes a depressingly large proportion of human interaction, including the interactions found in markets, politics and international relations. Furthermore, representing the undue degradation of the human person is at the heart of political speech and participation.

One of the major effective techniques in the process of politicization is to portray, sometimes with little or no additional comment, the undue degradation of the other persons. The same claim might be



# Censor threatens

## The Festival of Festivals' gala premiere may not be shown at all

BY JAY SCOTT

The Ontario Board of Censors will not allow the Canadian film, *In Praise of Older Women*, to open Toronto's Festival of Festivals next week unless the producers agree to the excision of approximately two minutes — and there is a possibility that the producers will refuse to allow the cuts. In that case, the film will not be shown in Ontario.

Michael M. Stevenson, the president of Toronto's Association of Film Distributors, added that they are "very small." He also said that "this thing crops up every year at films 52 weeks a year and says anything."

At last year's vals, a snow cause

hopelessly imprecise language it moves far beyond sexually explicit material. The charge of vagueness can also be levelled at the words "horror", "cruelty" and "violence". The old definition, dependent as it was on portrayals of sex, at least confined itself to one of the less ambiguous forms of human activity. It is true that different things titillate different people just as different things seem horrible, or cruel, to different people but the concept of sexual response is clearly less indefinite than the concept of being horrified.

This brings us to the last question surrounding this part of the new definition. This is whether the removal of sex as the unique category for what is obscene is a step towards a rational view of obscenity. Perhaps it is. Pictures of starving children are, in a sense, as obscene as pictures of people performing cunnilingus. On the other hand, there is something to be said for confining one's concept of obscenity to matters of sex. The two immediate dangers identified above (vague and indefinite notions such as degradation and horror ought not to be part of criminal proscriptions, and degradation and, perhaps, horror, cruelty, and violence, are more likely to be part of a society's political expression than is the portrayal of sex) are avoided by a sex based view of obscenity.

But I would like to make a more daring claim. Our use of, and reaction to, portrayals of sex is likely to be qualitatively different than our reaction to the use of violence and degradation. We do not all need to engage in acts of violence, cruelty and degradation (at least not acts designed to have these features — probably we are all *unthinking* totalitarians) but we all do need to engage in acts which are self-consciously recognized as sex acts. Therefore, it is part of being a "good" person to know how to act humanely when acting sexually. Pornography, or obscenity, may, because it is the vehicle for auto-eroticism, diminish our ability to act sexually in community with other persons and, sex being the significant feature of life that it is, our general ability to act in community with others in affection. The implication is that the quality of persons found in our society may well be diminished by the destruction of effective and humane interpersonal sex relationships. In other words, sex's dominant place in our psyches means that we must learn how to let it operate properly in relationships and learn how to keep it from making it impossible to enjoy relationships. If I am right in this, and sex is an especially important feature of our being effective social beings, then perhaps it is not illogical for the state to react at some time to pornography since it serves ultimately to make us

poor social participants.

The second major feature of the amended definition is that portrayals of children participating in sex acts are explicitly proscribed. The raw definition reads: "depicts a totally or partially nude child engaged or participating in an act or a simulation act of masturbation, sexual intercourse, gross indecency, buggery or bestiality, or unduly displaying any portion of his or her body in a sexually suggestive manner". While this description of the kinds of materials which are offensive is a model of clarity, compared to the earlier part of the definition (notwithstanding the imprecise nature of "gross indecency" and "sexually suggestive") there is nevertheless cause for concern. In the first place, the standards of "dominant characteristic" and "exploitation" are abandoned. Instead it is an offence to depict unduly a child engaged in sex acts or to display a child's body in certain ways. What is lost through this wider definition is the need for any enquiry into the political or artistic context in which the depiction or display takes place. Under the first part of the definition, the language of portrayal could be as explicit as possible if such portrayals were not a dominant characteristic of the work or were not exploitatively presented. This meant, for instance, that books by Henry Miller and D.H. Lawrence were arguably exempt from the offence because of the relationship of their treatment of sex to clear political and social themes. However, when children are involved in the portrayal, such a defence will not now work.

The implication for reformist literature, television and film which treat of serious social problems such as incest and child prostitution is not clear. What is clear is that at least one traditional mode of social reform, that of presenting facts to a segment of the population relying on public reaction to bring about needed reform, is in danger of being closed. Charles

Dickens, had he lived under an analogous law, could have written *Bleak House* to reform the legal profession but not *Oliver Twist* to reform attitudes toward the young poor. It should be noted that Dickens would escape prosecution for *Oliver Twist* if he could establish that his portrayals did not extend beyond what served the public good. (Section 159(3) Criminal Code). The burden of proof would be on Mr. Dickens.

### Problem with definition

The second problem with this new section arises with the definition of "child". Child is defined to be a person who is, or appears to be, under the age of sixteen years. This perhaps is not a catastrophic definition but it does serve to place all distributors and vendors of sex magazines in some jeopardy. Since the child pornography offence is premised on the assumption that there is an "under sixteen" appearance when in fact there is not, at least for women, there is no means by which distributors and vendors can escape risk of liability. Nor is there any reason for prosecutors not to prosecute under this section, whenever one of the persons being portrayed appears to be "youthful". If there is no real notion of the appearance of an under sixteen person, people from a fairly large spectrum of ages could be said to appear to be under sixteen and successful prosecutions could be brought on this basis.

The results of these two criticisms of the child pornography section lead me to conclude that the section is unworkable and ill-advised. The problem of child participation in the making of pornography is now met by the new S.166.1 dealing with the sexual use of children. Nothing is gained by including child pornography in the definition section of obscenity except to place distributors and purveyors under risk. One is not protecting children by doing this under risk. One is merely creating a new category of titillation available only at high risk and, hence, high cost. Moreover, the new category is so widely defined as to pose perhaps the biggest threat to free speech and a free press found in the amendments and any possible impact the section will have on makers and distributors is far outweighed by this cost.

John D. Whyte is a Professor of Law at Queen's University

### Commentary on amendments

....from p. 13

made in respect of horror, cruelty, violence and crime and, for that matter, sex. Each one of these activities will generate in some circumstances a political response. These, just as much as visions of plenty and wealth, are the currency of politicizing forces. The logical implication might be that the section, therefore, contemplates the use of sex, violence and degradation which is not part of any artistic, moral or political statement and therefore is "undue". In this view the addition of "degradation" is not a threat. However, the better view, I believe, is that undue degradation is, typically, the very material of political mobilization, as witnessed by the fact that many feminists argued for the inclusion of something like the degradation clause in the definition. Therefore its inclusion, more than any other head of obscenity, poses a serious threat to forms of speech and presentation which traditionally have been thought to be indispensable in a free society.

### An incoherent idea

There is one further problem with the "undue degradation" clause. It appears from the language of the bill that the clause is to be read as joining "(whose) dominant characteristic... is the undue exploitation of..." which would have the effect of turning what is already convoluted language (and a convoluted offence) into unparseable language and an incoherent idea. The better view seems to be (although the syntax does not support this) that obscenity is either the undue exploitation of sex, etc. or the undue degradation of persons. What precise activity and speech would be caught by undue degradation is impossible to guess. One can only point out the irony contained in the House Committee report and in the draft bill as presented to Parliament. The "Explanatory Notes" accompanying the bill state: "The amendment would clarify the meaning of 'obscene'", and the Report's justification for the new definition takes this form: "Since the effective enforcement of the obscenity provisions of the Criminal Code is dependent upon a clear definition it is essential that (the section) be amended to make it evident what type of sexually explicit material will not be tolerated in this country." This is rather strange since the new definition not only adopts

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I know that the wiser sort of men will consider, and I wish that the ignorant would learn, how it is not the baseness or homeliness, either of words or of matters, that makes them foul and obscene, but their base minds, filthy conceits or lewd intents that handle them.

John Harington, *The Metamorphosis of Ajax*, 1596

Even though by the end of 1933 the "monumental" district court decision of Judge John M. Woolsey had lifted the U.S. ban on James Joyce's *Ulysses*, Canadians were presumably not advanced enough to be exposed to it for another twenty years. For nearly eight years after the Second World War, it was not possible to buy a copy in Canada, or for that matter to bring it into the country legally. Naturally, there was some graduated hypocrisy about the whole thing, for by 1950 *Ulysses* was on the curriculum of some graduate English courses, and some university libraries, such as that of the University of Toronto, had copies (which could be read on the production of an appropriate medical certificate).

The reason for reminiscing on such moments of sublime ignorance in our Canadian past is the occasion of the House of Commons Committee on Justice and Legal Affairs' report on the problem of pornography in relation to existing statutes, and the resulting proposed amendments to the Criminal Code, which form part of the proposals in Bill C-51. Such an occasion seems to require some reflection on what most academics with a sense of the importance of academic freedom and civil liberties had thought to be almost banally obvious. Still, such freedoms require constant defence, since the ignorant mentioned by Harington in our epigraph have for some centuries now continued to outnumber the wise and have in the process perpetuated a series of mistakes, such as the case of James Joyce's *Ulysses*.

There is nothing new about the problem involved in the attempt to legislate what people may read and think about. And it is always necessary to reflect on what might have been lost to knowledge and understanding and human experience. If the forces of censorship of violence and obscenity had triumphed, possibly such texts as Horace and Juvenal and even Homer would not be available today. But it ought hardly to be necessary to review an already familiar history of censorship and repression in the history of writing.

#### A nice irony

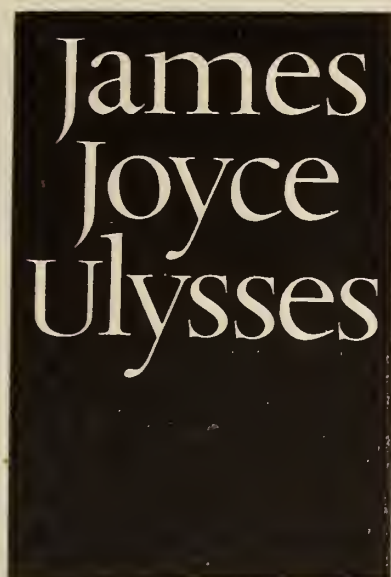
There is, in fact, a rather nice irony that Dean Mark McGuigan, Chairman of the House Justice Committee, in presenting its report proposing new and intensified forms of potential legal suppression, remarked:

The situation has seriously degenerated from the days of the "cheesecake" photography, the "girly" magazine, the "French" postcard, and the Henry Miller novel (Hansard, March 22, 1978, p. 533)

Apart from the rather appalling confusion of kitsch with art that his observation shows, it was not all that long ago that the proponents of censorship still persecuted Miller and his work, even though it has been widely recognized as important and significant—psychologically, sociologically and aesthetically. The committee's report, as representative of the same government which has prided itself on the bill sponsored by its

# Meditations on Bill C-51

by Donald F. Theall



present Prime Minister, which creates freedom from government intervention in the sexual life of consenting adults, must have been written with a sense of irony when it defines the degeneracy of pornography in terms of "many types of human activity, such as sodomy, cunnilingus, fellatio, incest, masturbation, bestiality, necrophilia, sadism, masochism, defecation and urination... depicted, described and advocated in clear and explicit terms." In the face of such moral shock, the works of Rabelais, de Sade, or Wilhelm Reich would certainly not have escaped censorship.

Now obviously the Committee's concern also ranges beyond books to include also magazines, photography, videotapes and records; that is, all forms of publication. While the report is not itself law, it does suggest rather effectively the type of mental climate in which the law has been produced. That mental climate is characteristic of the type of mentality which produced many of the battles for intellectual freedom in the early twentieth century and which led to academics banding together to protect their rights in terms of academic freedom. As late as 1965, in Canada, it was possible for the *Globe and Mail* and an academic Dean at a major Ontario University to challenge a professor's right to teach Henry Miller's *Tropic of Cancer*, because it was obscene. There should be little doubt that the protections presumably won in the process of forming professional organizations of academics are far from secure in a time when a former professor with degrees in philosophy and law can be placed in the position of presenting a report with statements such as those cited above.

This is the time to ask whether the whole matter of Bill C-51 (the details of which are discussed elsewhere) is directed towards a genuine problem or not. In fact, even if it is directed towards some genuine problems, is it not possible that it will do more to create problems and even exacerbate the situation it pretends to help, than to be of genuine value? A good beginning is to remind ourselves of the significant historical tendency which suppression has of promoting interest in the very items which become the centers of scandal. Henry Miller, preparing notes for the defence

of the publication of his work in Norway, observed:

...here is the crux of the matter. Will an adverse decision hinder the further circulation of this book? The history of similar cases does not substantiate such an eventuality. If anything, an unfavorable verdict will only add more fuel to the flames. Proscription only leads to resistance; the fight goes on underground, becomes more insidious therefore, more difficult to cope with. If only one man in Norway reads the book and agrees with the author that one has the right to express himself freely, the battle is won. (Letter to Trygve Hirsch, Feb. 27, 1959)

Apart from the question of the publicity and promotion provided to books, films and other creative works by the very act of suppressing them, there is the fact that a government commission appointed by the President of the United States, on obscenity and pornography, was unable to establish the kind of correlations between obscene and violent material and crime on which the report of the Justice Committee appears to depend. In fact, a majority of the American committee queried the value of the control of such materials by strategies of censorship such as are and will continue to be incorporated in the Canadian law. There appears, in fact, to be as much evidence that it promotes it. In any case, as the United States apparently has realized, the activity of organized crime is not finally reduced, as the Justice Committee argues, if pornography and violence are more strictly controlled, for it creates an underground demand for the same products.

#### Addiction result of prohibition

Morse Peckham, in *Art and Pornography*, has advanced (with apparently convincing arguments) the proposition that, in fact addiction comes about as a result of prohibition. His argument is too complex to be reduced to a precis, for he relates the problem of policing to the problem of evasion of interdictions as a way of demonstrating that stringent interdictions may often increase the addictive tendency. Even viewed from the perspective of common sense in respect to such activities as the prohibition of alcohol, there would seem to be a serious question to be raised, before acting prematurely, as to whether prohibition encourages addiction. Such issues are matters of opinion, but they raise such central questions that it ought reasonably to restrain a government from any action which would potentially endanger intellectual freedom in the interests of a restraint which might in itself even have harmful results. Freedom, as has often been argued, is a terrible gift, and the freedoms that we have developed in the history of western society paradoxically require taking substantial risks in the interest of their preservation.

A crucial issue would seem to be whether we genuinely have the wisdom to make the type of decisions that the Justice Committee claims we

can and that the law must assume we can. The concept of community standards is used to justify such decisions. Hopefully, few academics or intellectuals would subscribe to the fact that any community standard ought to be given the right to prevent people from the experience of Joyce's *Ulysses*, Rabelais' *Gargantua and Pantagruel* or Fellini and Bergman films. Yet Canada has a questionable record with all forms of censorship. To take two cases (in neither of which pornography was the major issue) there are the incidents when the CBC suppressed, under the urging of Parliament and the pressure of community standards, *This Hour Has Seven Days* (one of the major Canadian TV achievements of the 60's, which contributed much to newsmagazines in the U.S.), and also the suppression of a number of plays in the Quest drama series, such as *Crawling Arnold*—a protest against militarism and the draft. The problem is that there often is substantial difficulty in drawing the distinction between what are ideas or divergent ways of action necessary to preserve freedom of thought but which threaten the community's majority consensus, and what are genuinely exploitative materials detrimental and harmful to the community. Many of us have the humility in the face of history to feel that we cannot make such distinctions easily enough to invoke legal powers of restraint.

The point in selecting cases which would not normally fall under a law governing obscenity is to suggest the attractiveness of censorship to politicians in general, and therefore the extreme danger of using such loose phrasing in laws so as to include any material exploiting violence or involving the degradation of the human person. Nor is it desirable for the standards of the whole country to be determined indirectly by local decisions of small communities when these decisions may effectively prevent important intellectual and artistic material from being available elsewhere, even though it might be acceptable there.

Apart from the obvious dangers to which others have already addressed themselves, such as the local banning of authors of known merit (for example, Mordecai Richler, Margaret Atwood, and Margaret Lawrence), there is the even greater problem of some intellectually and artistically important works which many people might be reluctant to defend, because of their controversial aspects. Two such cases involve Dusan Makavejev's very important film, *Sweet Movie* (virtually unknown outside of Quebec because of censorship), and the French novel and its associated film, *Histoire d'O*. The first offends against both that part of the law which specifies that any "matter or thing" is obscene which unduly depicts a nude, or partially nude, child in any of a series of specified acts or situations, and probably in other sections, as well; the second offends against the words prohibiting any exploitative presentation of the "undue degradation of the human person", as well as against the prohibition of the exploitation of violence and sex. If the House Committee's recommendations are to be totally supported, experts (presumably condemned because of their intellectual and artistic interests) would be banned from having any role in the legal defence of such works, which effectively means that such works will probably be generally prosecuted and prohibited.

Dusan Makavejev's *Sweet Movie* would most likely arouse difficulties, even though his previous



<p><b>Bill C-51: an analysis...</b> from p.12</p> <p>be ready to legally restrict the publication and distribution of the vast majority of elementary school textbooks which also depict sexual victimization and inequality and thereby also degrade women. The real problem is not the depiction of women in pornography but the fact that women are not accorded equal economic, social, and legal status in our society.</p> <p>Subsection 8 (b) of the proposed amendment to Section 159 is entirely new:</p> <p>(8) For the purposes of this Act, a matter or thing is obscene where. (b) the matter or thing unduly depicts a totally or partially nude child (i) engaged or participating in an act or a simulated act of masturbation, sexual intercourse, gross indecency, buggery or bestiality, or (ii) unduly displaying any portion of his or her body in a sexually suggestive manner.</p> <p>Section 8 (b) (i) would appear to make some sex education manuals questionable, not to mention a number of films in which juvenile sexuality is treated realistically. Moreover, it may not be entirely reasonable to lump together the depiction of natural sexual activity such as masturbation with the depiction of bestiality. Section 8 (b) (ii) uses terminology which makes the whole question dangerously dependent on the perspective and predisposition of the viewer — “unduly displaying... in a sexually suggestive manner”. Narrowly restrictive interpretation of</p>	<p>“unduly” is made unlikely by a body of jurisprudence which would permit the defence of works of literary and artistic merit, but “sexually suggestive” may be more difficult of interpretation.</p> <p>Section 159 (9) of the proposed amendment defines the meaning of child:</p> <p>In this section, “child” means a person who is or appears to be under the age of sixteen years.</p> <p>“Appears to be” suggests that the Act (like the Standing Committee) is concerned not simply to prevent the exploitation of children in obscene matter but is concerned to eradicate a particular type of obscene matter entirely as being morally repugnant <i>per se</i>. There are dangers in such an approach. As the background paper for the Advisory Committee on the Status of Women puts it:</p> <p>One does not have to enjoy, to like, or to approve of ‘obscene’ matter or things. And one should have the right not to be exposed to such things. But to interfere with the right of others to see or have such matter, in private, may set a dangerous precedent, and could result in a undue restriction of personal freedom.</p> <p>Section 165.1 of the proposed amendment increases the maximum penalties for offences under Section 159 to imprisonment for ten years, or a fine not exceeding \$100,000, or both.</p> <p>Section 166.1 of the amendment, which extends penalties for procuring illicit sexual intercourse of young persons to include persons other than parents or guardians, would, as currently worded, appear to make</p>	<p>liable to imprisonment for fourteen years anyone who procured depictions of such activity ( “knowingly receives the avails of”).</p> <p>Against all of these provisions, the existing defence would still be available under 159(3). “No person shall be convicted of an offence under this section (159) if he establishes that the public good was served by the acts... and that the acts alleged did not extend beyond what served the public good”. This is not an easy defence, and is not an adequate protection against some of the sweeping provisions of the proposed amendments, particularly when the unamended Section 159(5) provides that “For the purposes of this section the motives of an accused are irrelevant”.</p> <p>The proposed legislation is, then, seriously flawed. It should be replaced by legislation with more limited and more clearly defined objectives. The principles embodied in fresh legislation should be consistent with the principles enunciated in the 1972 study paper of the Law Reform Commission, endorsed by the 1978 background notes of the Advisory Council of the Status of Women. Namely, that it is valid to protect juveniles from exploitation in the production of obscene material, and to protect them from public exposure to obscene material, except under parental or educational guidance; that it is reasonable to control the public nuisance represented by the display of sexually explicit material so that individuals may not be exposed to it non-consensually; but that in general “where adults are concerned, the possession, sale and distribution of ‘sexually explicit material’ should no longer be penalized. Adults should be</p>	<p>free to determine their own conduct in this regard.”</p> <p>Gordon Jones is professor of English at Memorial University and post-president of CAUT.</p> <p><b>South Africa...</b> from p.17</p> <p>rejected contact with white students’ organizations in South Africa.</p> <p>As a result, several white liberals said privately that they feared the black-consciousness movement—with its stress on “separatism”—had played into the hands of the government, which has stressed the concept of separate cultural development.</p> <p>Supporters of black consciousness argue, however, that the movement transcends the kinds of ethnic separation that the government is pursuing and seeks to unite all of South Africa’s blacks, regardless of their ethnic background.</p> <p>The future of the black universities in South Africa is tied directly to the future of the government’s plans for the development of independent homelands for black ethnic groups. If those plans go forward, the universities will become what the ethnic groups that accept the homelands policy want them to become.</p> <p>In the interim, they apparently will remain caught in the larger political crisis that South Africa faces.</p> <p>(Reprinted with permission from THE CHRONICLE OF HIGHER EDUCATION)</p>
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# South Africa's Isolated Universities

A sense of oppression and intimidation  
is found at universities created under  
policy of "Separate development"



(Second in a series)

by Malcolm G. Scully

JOHANNESBURG: Ezekiel Mphahlele is an internationally known black writer who spent 20 years in exile from his native South Africa. He taught at the University of Denver and until last August was a professor of English at the University of Pennsylvania.

Then he and his wife decided to return to South Africa. Like many other exiles, they were homesick.

Mr. Mphahlele intended to take a position on the faculty of the University of the North, one of three universities for South Africa's 18 million blacks. The university's council approved his appointment unanimously.

Last month, however, the Minister of Education and Training, who must clear all such appointments, refused to allow Mr. Mphahlele to accept the position.

The government has offered no explanation for the minister's action.

The decision brought outcries from writers and academics in South Africa. Both Alan Paton and Nadine Gordimer, the country's best-known authors, condemned the government's action.

The decision reflected the ambiguous and, many would say, colonial position of the three universities for blacks in the racially divided country.

The universities were established in their present form by legislation adopted in 1959 to apply the policy of apartheid to higher education.

They thus serve the government's goals of providing for separate economic and social development for South Africa's racial groups. The government wants eventually to create autonomous "homelands" for the country's ethnic groups.

## Opposition from blacks

As part of that plan, each black university is intended to serve specific ethnic groups: the University of the North in Turfloop—not far from the border with Rhodesia—for the North Sotho, South Sotho, Tsonga, Tswana, and Venda groups; the University of Zululand—about 100 miles northeast of Durban—for the Zulus; and the University of Fort Hare in Alice—northeast of Port Elizabeth—for the Xhosas.

The universities, according to the government plan, will provide bureaucrats and teachers for the developing homelands.

Most black students and many black faculty members reject the concepts of ethnically separate universities and of separate development generally. One black professor said, "They know that, whatever the theory of separate development, in practice it perpetuates discrimination against them and fragments black people into different communities."

Added a professor at the University of Zululand, "The students here regard themselves simply as students. They do not regard themselves as

Zulus or Xhosas. They have been very strongly against the separation of blacks on ethnic grounds."

Few students, he said, "aspire to work in the homelands." They prefer to seek jobs in South Africa's cities, where economic opportunities are better.

While black students and faculty members reject the government's plans for separate development, they also resent the fact that the faculties and administrations of the black universities are predominantly white, and that the whites are usually Afrikaans-speakers who support the government's policies of separate development.

Because of those concerns, the government has taken several steps to speed the "Africanization" of the universities.

Black rectors have been named at the University of the North and the University of Zululand, and efforts to recruit more black faculty members have begun.

The South African Parliament last year gave the black communities a voice on the governing councils of the universities. Until then, the university councils were reserved for whites. Blacks were relegated to "advisory councils" with little authority.

## Salaries to be equalized

Last April salaries for black and white faculty members were equalized. Up to that time, black professors have been getting about 80 percent of the salaries of white professors, who earn a maximum of just over \$16,000 a year.

On the campuses themselves, professors say privately that relations among white and black faculty members on the black campuses are at best "proper", and that the attitudes of black students toward white faculty members are significantly less cordial.

A.J. Thembala, professor of education at the University of Zululand, said in an interview, "Faculty members here get along together very well at a superficial

level. Both groups go out of their way to get along."

On the other hand, the Black Academic Staff Association at the University of the North reported that the attitude of some white faculty members toward black students and black colleagues was often patronizing.

The association cited the case of a white, Afrikaner professor of philosophy who had published an article in 1972 in which he argued that the "tempo of life" of the black African was "slower than that of the white." Therefore, the article went on to maintain, integration with whites would produce dislocations and even neuroses among black Africans.

"It is respectfully submitted that this view is devoid of all scientific foundation, and in any event is one which falls outside the discipline of philosophy altogether," the staff association said.

## A sense of intimidation

Their lack of full autonomy, their inability to hire whom they please, and the resentment of their students at the system of which they are a part have combined to prevent the black universities from developing the spirit on intellectual give and take that most Westerners associate with university life.

Instead, both students and faculty members report a sense of intimidation that often prevents them from speaking out on political and economic issues.

Several professors at the universities noted that the curriculum does not include subjects that could touch on such delicate issues as the distribution of income and power in South Africa.

The black staff association at the University of the North said many black professors remained silent on political issues because they feared the consequences.

The association cited the case of a professor who had criticized the government's policies of separate development for the African homelands. He had suggested that the homelands "were not being developed as viable independent economic units, but (were) merely being used as labor reservoirs to continue the flow of black labor to white mines and industry."

## Contrasting values

After making those remarks, which reflect a common point of view among many academics outside South Africa, the professor "was summoned to a disciplinary committee of the university and given a serious warning to desist from expressions of this kind," according to the association.

His experience "became widely known on campus, and constantly acts as a restraint on others," the association said.

Observers at the black universities also say that black students are continually frustrated by the contrast between the academic values basic to a university education and the realities of their daily life outside the university.

A black African student, says one account, "is deeply conscious of the sharp conflict between the idealistic

and objective academic truths which he imbibes at the university, and the harsh truth of the arena outside the small physical campus.

"The grandeur of the political ideas and universalistic thought which he is taught in the academic classes contrasts sharply with his political impotence in a vast sprawling city like Soweto."

Leonard Thompson, a professor of history at Yale University who conducted a study of 10 universities in southern Africa in 1972, described the black universities in South Africa thus: "Discipline is extremely strict. Organizations may not exist, documents may not be published, visitors may not be invited to campus without the permission of the authorities."

The tensions that virtually all observers say are widespread at South Africa's black universities came to the surface violently in the summer of 1976 after the riots in the black township of Soweto, near Johannesburg.

The Universities of the North and Zululand were closed for the second half of the academic year, which in South Africa runs from February to December, after demonstrators set fire to buildings on both campuses.

Since then, say observers on the campuses, an uneasy calm has prevailed. Few of them think that the issues directly affecting university life itself could generate renewed protests. However, they say, issues in the larger society—another Soweto, for instance—could easily lead to new violence on the campuses.

Mr. Thembala of the University of Zululand noted that most of the radical students had been expelled after the disruptions in the summer of 1976.

The other students "suffered economically because the campus was closed and they could not find jobs. I think the calm will remain until the trauma of 1976 is forgotten," Mr. Thembala said.

## 'Black consciousness'

Many black students at the universities now support "black consciousness," the movement founded by the late Steve Biko, a leader of the banned South African Student Organization.

The movement, according to the Black Academic Staff Association at the University of the North, "is an affirmation that being black is a positive and autonomous quality . . . Black consciousness stands for the sum total of values native to Africans. It draws sustenance from its own history and genius, the capacity of its civilization to ensure reciprocity, sharing, and love among its members."

As part of the movement, the South African Students Organization, before it was banned last fall, specifically



Ezekiel Mphahlele



November 25, 1977

The Right Hon. Pierre Elliott Trudeau  
Prime Minister  
House of Commons  
Parliament Buildings  
Ottawa, Ontario

Dear Mr. Trudeau:

You are no doubt aware that a report on page 1 of the *Globe and Mail* for November 14 suggests that a counter-subversion group within the security services of the RCMP is responsible for investigations within the Canadian education sector, including universities. The *Globe and Mail* report leaves the distinct impression that information, including private medical and psychiatric information, on university faculty members and students is being collected without the knowledge and approval of the individuals concerned. On November 25th the *Globe and Mail* carried another story indicating that the security forces have conducted general electronic surveillance on faculty and students at the Universities of Ottawa and Toronto.

The Canadian Association of University Teachers had received assurances from the Government of Canada, initially from Mr. Lester Pearson, that the RCMP would not engage in undercover activities or general surveillance on Canadian university campuses but, rather, would act only to investigate specific alleged crimes.

I would appreciate whatever information you are able to provide on the accuracy of the *Globe and Mail* reports and on the extent of general RCMP surveillance on faculty and students. I would appreciate, as well, an indication as to whether the RCMP is acting on its own initiative or on the instructions of the Government of Canada.

CAUT is also disturbed to learn that General Dabros, who in 1969 and 1970 "played a significant role in the Defence Department's surveillance of university campuses" (*Globe and Mail*, November 11, 1977), is now officer-in-charge of the security and intelligence branch of the Canadian Armed Forces. I would appreciate your Government's previous assurances that there will be no general surveillance of university campuses by the RCMP also extends to the security division of the Canadian Armed Forces and that this understanding is still in force.

The *Globe and Mail* reports compel me to raise once again the matter of the standards as well as the procedures which are used by the security branches of the RCMP and the Canadian Armed forces in assessing the loyalty of Canadians. Former RCMP Commissioner Nadon referred last year, in a letter (July 13, 1976) to Dr. V. W. Sim of the CAUT staff, to a Cabinet

## Dear Mr. Trudeau

Since the early 1960's, the CAUT has been concerned about the role of the Royal Canadian Mounted Police on university campuses. In this connection, an understanding was reached with the Rt. Hon. Lester B. Pearson in the early 1960's. A submission was made to the Royal Commission on Security in 1967. During this last academic year the role and activities of the RCMP were much discussed, including various allegations concerning the Mounties' activities on university campuses. As a consequence the CAUT drafted a submission for the McDonald Royal Commission on Security Services (for a summary of recommendations, see *CAUT Bulletin*, Vol. 25, No. 8, p. 13). The CAUT also instituted the following correspondence with the Rt. Hon. Pierre E. Trudeau.

Directive which is used in assessing information about persons under investigation. Repeated efforts to obtain a copy of the directive, or at least a summary of its contents, have been unsuccessful. Mr. Michel Rochon of your staff indicated in a letter on May 13, 1977 to Dr. Sim that when a review of the directive (then underway) had been completed the relevant documents might be available for examination. Has the review now been completed and can we now be provided with a copy of the Cabinet Directive?

I would appreciate whatever information you can provide on these vital matters.

Yours sincerely,

Gordon P. Jones  
President, CAUT

January 23, 1978.

Mr. Gordon P. Jones,  
President, Canadian  
Association of University Teachers,  
1001-75 Albert Street,  
Ottawa, Ontario.  
K1P 5E7

Dear Mr. Jones:

I have had an opportunity to study your letter of November 25, in which you pose a number of questions and ask for reassurances concerning government security policy, and the procedures of government security forces, as they relate to university communities.

With respect to the press reports to which you refer, I would point out that statements were made in the House of Commons by the responsible Ministers in reply to questions resulting from these reports at the time they appeared. You might examine the

relevant passages of the House of Commons debates, which, I am sure, will provide the explanations you have requested. I believe you have also received information from the departments concerned.

In paragraph 4 of your letter you refer to a press report that General Dabros, Director General of Intelligence and Security, Department of National Defence, "played a significant role in the Defence Department's surveillance of university campuses" in 1969 and 1970. I am informed that General Dabros was out of the country during this period.

You refer to the assurance received by the Canadian Association of University Teachers from the government "that the R.C.M.P. would not engage in undercover activities or general surveillance on Canadian university campuses but, rather, would act only to investigate specific alleged crimes". I believe that the text of the statement of government policy agreed to by the Canadian Association of University Teachers in 1963 is as follows:

"There is at present no general RCMP surveillance of university campuses. The RCMP does, in the discharge of its security responsibilities, go to the universities as required for information on people seeking employment in the public service or where there are definite indications that individuals may be involved in espionage or subversive activities."

You will notice that the statement varies in some degree from the one made in your letter. While the statement mentions the R.C.M.P. specifically, it relates to government policy generally and was intended to include all government security forces. The policy agreed to in 1963 has not been changed.

I think it is important to add that, in the extremely difficult area of security operations, no person in Canada can be regarded as immune from observation or surveillance if there are reasonable grounds for believing that the person is or has been engaged in subversive activities. This is a point I made recently to the Leader of the Opposition in relation to a question concerning surveillance of Members of Parliament.

You refer to a Cabinet Directive concerning security clearance of persons requiring access to classified information, and to your difficulty in obtaining a copy or summary. The directive, approved in 1963, is classified and not available to the public. However the policy and procedures which it sets out were outlined in the House of Commons on October 25, 1963, by Prime Minister Pearson and Justice Minister Chevrier. I think you would find it useful to consult these statements. As you know, the 1963 directive is presently under review, and I hope that it may soon be revised in the light of experience and changing circumstances. I also hope that it will be possible to make the new directive available to the public.

Other references which you may wish to examine are the Official Secrets Act, which sets out a definition of "subversive activity", and the comprehensive statement made by the Solicitor General in the House of Commons on October 28, 1977 which includes the mandate defined by the government for the R.C.M.P. Security Service.

I hope that my remarks may help you to appreciate the difficulties involved for government in reconciling its responsibility for national security on one hand, and on

the other, its responsibility to safeguard the freedom and rights of individuals which are so important for us all.

P.E. Trudeau

April 4 1978

The Right Hon. Pierre E. Trudeau  
Prime Minister  
House of Commons  
Parliament Buildings  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Trudeau,

I have delayed replying to your letter of 23 January 1978 concerning the role of the security forces on Canadian university campuses until the Canadian Association of University Teachers had completed and adopted a position paper on this subject. I am sending under separate cover a copy of this paper. The CAUT has requested meetings with the Minister of Defence, the Solicitor-General and the Commission of Inquiry concerning certain activities of the Royal Canadian Mounted Police to discuss the concerns in our brief.

I wish, however, to ask you for further clarifications on two points in your letter and about one additional matter. The first concerns the understanding with Mr. Pearson in November 1963. It seems to us that there was more involved than the specific item quoted by you. The then Commissioner of the R.C.M.P. Mr. G.B. McClellan was present at that meeting and gave both a general assurance that "... it was not and never had been any part of their purpose to interfere in any way with the freedom of discussion so necessary to university life." The Commissioner also said that since mid 1961 there had been an official policy of no general surveillance at university campuses, that the R.C.M.P. would be pleased to inform university presidents of all investigations relating to security clearances on a campus, although this could not be extended to investigations of sabotage or espionage, that R.C.M.P. investigations relating to security screening would continue to be authorized centrally rather than locally, and that investigations relating to subversion would be conducted under general supervision from Headquarters. In a written statement the Commissioner said that the R.C.M.P. did not ask members of a university body, either faculty or students, to act as informers, or to keep a general lookout for suspicious or subversive opinions or activities, or to enrol in particular university organizations to provide information for the R.C.M.P., although it reserved the right to accept information that was volunteered. We consider that these were all part of the assurances given the university community by the Pearson government in November 1963 and, in fact, involved a decision to restrict the activities of the security forces on university campuses to actual or alleged criminal acts.

It appears to me, however, that there was an ambiguity in the statement made in 1963 and quoted by you. The statement said that the R.C.M.P. would go to universities as required for information on people seeking employment in the public service, or where there are definite indications that individuals may be involved in espionage or subversive activities. The problem is the definition of the word "subversive", which can have a broad and imprecise or a strict definition. We think that "subversive" in this context should be defined only in terms of such criminal acts as sabotage and espionage or politically motivated hijacking, kidnapping, murder or the like. We hope that you would agree with us. The CAUT does not claim any exemption for the university community from the normal operation of the criminal law. But we do not accept the notion that a person with unorthodox views or someone who wishes to change the economic or political system by peaceful means is "subversive". Clarity in the definition of the operations of the security forces in this area would be most welcome to our members.

Concerning the last point in my letter to you of 25 November about the cabinet

## "Subversive activities" — the official definition

Following is part of an address by former Solicitor General Francis Fox to the House of Commons on October 28, 1977:

*One of the first steps in the formulation of new guidelines for the security service of the RCMP has been the adoption by Parliament in 1974 of a new definition of the expression "subversive activities" that is to be found today in the Protection of Privacy Act which amended certain aspects of the Official Secrets Act. It was then decided that this definition constituted a solid starting ground from which the role of a good security service could be defined more precisely.*

*On March 27, 1975, the cabinet defined the mandate of the security service of the RCMP and authorized it to maintain internal security, namely to discover, monitor, discourage, prevent and thwart the activities of certain individuals or certain groups in*

*Canada and carry out investigations about them when there are reasonable or likely grounds to believe that they are carrying out or do intend to carry out spying or sabotage action, activities aiming at gathering information on Canada for the benefit of a foreign power, activities aiming at a change of government in Canada or elsewhere through the use of force, violence or any other criminal action, activities undertaken by a foreign power and related to a real or possible attack against Canada or other hostile actions against our country, activities of a foreign or national group trying to perpetrate acts of terrorism in Canada or directed against this country, the use and encouragement of the use of force or violence or any other criminal means, the provocation or the exploitation of civil disturbances in order to take part in any of the above-mentioned activities. This mandate still continues to exist.*



## Dear Admiral Taylor

by William A. Sievert

A high-ranking administrator at the University of California worked for the Central Intelligence Agency in 1968, spending two weeks at C.I.A. headquarters discussing student unrest and writing a paper on "Agency-Academic Relations."

That revelation is found in about 800 pages of newly declassified C.I.A. documents. They also indicate a long-term relationship between the C.I.A. and an unspecified number of faculty members at various University of California campuses.

On at least one occasion, the C.I.A.'s "coordinator for academic relations" persuaded a faculty member at Berkeley to use his influence to get a C.I.A. agent admitted to the graduate school of political science.

Although all names were deleted from the documents before their release, the Los Angeles Times has identified the University of California administrator who worked for the agency as Earl Clinton Bolton, who served as administrative vice-president through most of the turbulent 1960's. Mr. Bolton, who says he will "neither confirm nor deny" his involvement with the C.I.A., retired from the university in 1970 and currently works for an international management consulting firm in Los Angeles.

The documents were released in response to a request filed in 1976 under the Freedom of Information Act by Nathan Gardels, then a political science student at the University of California at Los Angeles. The Washington-based Center for National Security Studies worked with Mr. Gardels in forcing the C.I.A. to release the materials.

Copies of the documents, made available to *The Chronicle* last week, show that in June, 1968, Mr. Bolton—using the letterhead of Charles J. Hitch, then president of the University of California—wrote to Vice-Admiral Rufus B. Taylor, then deputy director of the C.I.A., thanking him for an earlier favor and volunteering for "some assignment in which I could make a genuine contribution."

### Seminar on student unrest

The following month, Mr. Bolton—who at the time was a Navy reservist—was brought to C.I.A. headquarters in Virginia for a two-week special tour of duty. According to a C.I.A. memorandum circulated later by the unnamed coordinator for academic relations, Mr. Bolton "during his two weeks with us... conducted a very successful seminar with 14 high-ranking officers of the Agency on the subject of causes of student unrest."

The memo says Mr. Bolton also prepared a written critique of a C.I.A. paper on "Student Unrest: A World View"; that he was given briefings on "the mission and operation of the agency"; and that he met many of the C.I.A.'s "key officers." It goes on to say that Mr. Bolton's "tour with us has been a productive and useful one..."

Admiral Taylor confirmed Mr. Bolton's service, saying he had been hired "because of his expertise in administrative matters involving the knowledge of student affairs."

In August, 1968, shortly after his two-week visit to C.I.A. headquarters, Mr. Bolton submitted a seven-page report on how the C.I.A. might improve its relations with institutions of higher education. He estimated that "99 per cent of the members of the academy would be willing to assist the Agency if properly and skillfully

approached, and that only a small fraction of that other one per cent would be angered by an invitation to assist or would attempt to embarrass the Agency in any way."

### 'Affirmative action' for C.I.A.

Mr. Bolton suggested an "affirmative action" program designed to improve the C.I.A.'s reputation on college campuses and to attract more support from faculty members. He urged the agency to relate its work to "one of the traditional functions of the university and to 'phrase its requests to academia in such a way that the service being sought relates as clearly and directly as possible to one of these traditional functions.'"

"When an apology is necessary," Mr. Bolton wrote, "it can best be made by some distant academic who is not under attack, in a 'respectable' publication of general circulation..., and with full use of the jargon of the academy."

The report suggested that when a professor is attacked for aiding the C.I.A., he should "base a rejoinder on (the) sacred doctrines... of academic freedom and his privileges as a scholar... A professor's right to undertake classified research is unsailable if he stands on the ground of academic freedom."

Mr. Bolton suggested that the C.I.A. come up with some new designations for such words as "classified", "secret", and "confidential." Those words, he said, "have become so emotionally charged that they provoke an irrational response before substantive content is even considered."

Among Mr. Bolton's other suggestions:

"Establish at Yale the Walter Bedell Smith or William J. Donovan Lectures or Chair on Intelligence as an Instrument of National Policy."

"Invite qualified and sympathetic scholars to take their sabbaticals at the Agency."

"Permit a few carefully nominated and selected doctoral candidates to spend a year at the Agency working on their dissertations... The candidate would of course have to recognize the Agency's right to review the finished document for accidental leaks."

"Provide a handsomely funded post-doctoral one-year opportunity for selected fellows."

"Publicize any effort of the Agency to make scarce materials available to scholars. (Could the story of the Hoover Institution-Agency arrangement be told by a distinguished scholar of Chinese affairs in a publication of general interest to academics?)"

"Stress in recruiting, articles, and speeches that the Agency is really a university without students and not a training school for spys (*sic*). There is as much academic freedom within the walls of the (C.I.A.) building and among those competent on a given subject as on any campus I know."

"Do all recruiting off campus and try to time these visits so that the probability of reaction is decreased. e.g., during the summer, between semesters, after the last issue of the

student paper is printed for the summer, etc."

Last week the president of the University of California, David Saxon, charged that Mr. Bolton had violated university policy by using the official presidential letterhead for some of his correspondence with the C.I.A. Mr. Saxon noted that the university had long "refused to have any clandestine relationship with the C.I.A., even in the recruiting area."

David Wilson, assistant to Mr. Saxon, said the "alleged involvement of Mr. Bolton was a long time ago. From the memo (concerning agency-academic relations) attributed to him, he exhibited some bad judgment, but our feeling is that there is no evidence of any institutional involvement of any kind. Mr. Bolton was a reserve officer, and what he did was done on military service time."

### 'Security reviews' on campus

The newly released documents also show frequent contacts, spanning a period from the late 1950's to 1976, between University of California faculty members and the C.I.A.

In 1954, the C.I.A. conducted a "security review" of the university's Institute of Slavic Studies to determine "whether it may be used for learning processes." Similarly, in 1959, the agency performed a security review of the Center for Chinese Studies at Berkeley before retaining it to work on a research project concerning "Agriculture Land Utilization in Communist China."

Throughout the 1960's, the documents indicate, a steady flow of C.I.A. materials on China and the Soviet Union were circulated routinely to agency-approved faculty members. In June, 1967, a letter written on stationery from the political-science department at the university's Davis

campus requested that the writer be placed back on the mailing list for the agency's "Yellow Book"—daily reports on the Far East.

Similar reference aids were still being mailed routinely to academics as late as June, 1976, when the agency sent on a "Directory of the U.S.S.R.'s Ministry of Foreign Affairs Officials" to selected teachers at the Berkeley, Davis and Riverside campuses of the University of California, as well to faculty members at other institutions throughout the United States.

The newly released documents include scores of letters to the C.I.A.'s coordinator for academic relations, written on letterheads of the departments of political science at Berkeley and Davis, the Center for Chinese Studies at Berkeley, and other University of California schools and departments. While much of the correspondence involved routine requests by professors for research materials, the information flow often worked two ways.

### Names from political science

For example, in a June 13, 1967, letter written on stationery of the department of political science at Berkeley to the C.I.A.'s academic liaison officer, an unidentified writer followed up on a promise. "As you may recall, we agreed that I would send forward approximately twenty names each from the Chinese, Korean, and Vietnam Communist rosters for exploratory purposes..." A list of names of not very prominent but "important individuals" in each country followed. The letter included a "note of personal appreciation" from the writer for "extending your hospitality the other evening."

In December, 1973, a faculty member at the Santa Cruz campus tipped the agency off to a story reported by "one of my students," concerning the alleged presence of a Chinese military division in Laos. The C.I.A. responded that the story was not true, but thanked the faculty contact for passing on "the word concerning (name deleted) at U.C.L.A."

 P.20

## Harvard and CIA at impasse over secret work by faculty

Harvard University and the Central Intelligence Agency, despite a year of negotiations, are at an impasse over the university's attempt to ban secret operations and recruiting by faculty members.

The disagreement, which has implications for all colleges and universities in the United States centers on guidelines that Harvard adopted last year after disclosures about the C.I.A.'s campus activities.

The guidelines, which permit professors to work for the intelligence agency if it is done openly, also require that a Harvard person employed by the C.I.A. should not give the agency the name of another Harvard person as a potential recruit without the consent of that individual.

Derek C. Bok, president of Harvard said that the failure of the intelligence agency to make certain guarantees to institutions of higher education "undermines the trust and quality of communications between

professors and students" and "puts academic work abroad under a cloud."

Dale Peterson, a spokesman for the C.I.A., said in response that "basically what you have are two institutions — Harvard and the C.I.A. — with overlapping interests." He said that whatever the intelligence agency was doing at Harvard was "legal" and that he thought the disagreement had reached a point at which "it is up to Congress to arbitrate it."

Mr. Bok said in an interview that he had no way of knowing whether the intelligence agency was actively violating the university's new regulations against using faculty members for covert operations and recruiting. But he added that the agency's unwillingness to honor the ban made him "believe that they are doing it at some universities or they would not be so concerned about the rules we have set forth".



Dear Mr. Trudeau...

from p. 18

directive on security, could you let us know whether the cabinet review has now been completed and, if so, whether the government will make public the directive so that the academic community can be assured that reasonable, fair and relevant standards are being used by the security forces?

I entirely agree with you that it is difficult to reconcile the need to deal with genuine subversion while at the same time protecting the freedom of all citizens, including the academic freedom of the university community. No doubt the definitions and boundaries are dictated in part by changing circumstances. But they should also be the result of informed discussion. This is why we have asked for interviews with the Minister of National Defence and with the Solicitor-General and why we have requested clarification from you on the above points.

Yours sincerely,

Gordon P. Jones  
President

August 9, 1978

Mr. Gordon P. Jones, President  
Canadian Association of University Teachers,  
1001-75 Albert Street,  
Ottawa, Ontario.  
K1P 5E7

Dear Mr. Jones:

I have had the opportunity to look into the questions contained in your letter dated 4 April, 1978.

Dear Admiral Taylor...

from p. 19

More than two dozen documents pertained to the Center for Chinese Studies at Berkeley, where the exchange of information was frequent and informal. Letters from the center to the C.I.A. included suggestions for speakers at C.I.A.-sponsored "China discussions" and tips on prospective recruits from among Berkeley graduates who had expressed an interest in government service.

The agency sponsored a series of seminars over a period of several years with academics in Berkeley, Washington, New York, Cambridge, and other cities. The "seminars with academia", as they were called, were efforts to share information on U.S.-Soviet détente, Soviet-Chinese-U.S. relationships, and similar topics with friendly faculty members. According to a C.I.A. memo dated May 9, 1974, three recent seminars had been "beneficial on various scores. They were good P R, evidenced especially in the professors' expressed respect for the C.I.A. officers' presentations. ...These outings deepened friendships with existing academic contacts and expanded friendships to additional professors with whom we had not previously met."

The memo also credited one of the seminars with a "request from (name deleted) at the University of California at Davis for a quality C.I.A. speaker to visit his campus."

On at least one occasion, the C.I.A. used its "academic friendships" to get one of its agents admitted at Berkeley.

In March, 1968, the agency's coordinator for academic relations "alerted" his contact at Berkeley's political-science department that a C.I.A. agent was applying for admission, as a special, non-degree candidate. "Any consideration which you can give to (name deleted)'s application for admission would be appreciated."

A few months later, the C.I.A. liaison official wrote again. "Thanks very much for your help in getting

Concerning the understanding with Mr. Pearson in November 1963 and the assurances of former Commissioner G.B. McClellan who was present at the meeting with Mr. Pearson, your interpretation contained in the second paragraph of your letter is quite correct. I assure you that there is no change in this policy.

It seems that your comments concerning the word "subversive" originate with my letter of 23 January, 1978 which referred to the statement of government policy agreed to by the Canadian Association of University Teachers in 1963 in which the term "subversive activities" is used. In this context, I refer you to the definition of "subversive activity" in the Official Secrets Act as the term applies to the interception or seizure of communications.

A more definitive and recent statement on this matter is contained in the address made in the House of Commons by former Solicitor General Fox on 28 October, 1977. The revised Cabinet directive on personnel security is not yet complete. However, when the revised document is approved, serious consideration will be given to making it available to the public.

In general, I intend to continue to ensure, that in the area of national security, all Canadians be treated alike, and within the mandate of the Security Service. It would seem to me that your members would regard any "special" treatment in this area as inappropriate to their positions and status. Because of the concerns that continue to be raised in this area, I would suggest that a brief to the McDonald Commission reflecting your views, would not be inappropriate at this time, if you have not already done so.

Yours sincerely  
P.E. Trudeau

(name deleted) lined up at Berkeley. I am sure you will find him a capable and attractive addition to your stable."

Once enrolled, the student—who let it be known that he worked for the C.I.A.—began sending memos to his mentor at the agency. Although much has been deleted from the correspondence, the agent-student referred in one letter to an on-campus incident (content deleted) that had given him "a graphic picture of how the political doctrines are actually applied."

The agent-student also wrote of meeting a radical student (name deleted) who wanted him to debate the morality of the C.I.A.'s activities and of his friendship with another "self-styled radical of the New Left" whom the agent described as "more of the typical college student than he will admit."

At times, the C.I.A. had some trouble keeping its professorial contacts under control. In 1969 the agency wrote to one teacher of Chinese Studies at Berkeley, begging him not to go ahead with plans to cite in a research project a confidential memo the agency had sent out concerning China's Central Committee. The C.I.A. correspondent wrote, "Your letter shook me a bit. I had mailed out 9 or 10 copies of the paper, and in no case did I think to remind the recipients not to cite the publication. Please do not cite the memo. And I doubt that references to 'government sources' would do either of us much good."

The approximately 800 pages released, which also include copies of research contracts between the C.I.A. and the University of California, are only a portion of the documents asked for by Mr. Gardels in his original Freedom of Information request.

The Center for National Security Studies said last week that it was planning to join Mr. Gardels in a lawsuit to force the agency to release the rest of the sought after papers concerning the C.I.A.'s role at the University of California.

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THE CHRONICLE OF HIGHER EDUCATION

# AMNESTY INTERNATIONAL

by Jean Sonnenfeld

## Politics And a Pianist

Faculty members at Simon Fraser University have joined a world-wide protest by the international artistic and scientific communities against what appears to be the political imprisonment of the brilliant young pianist and teacher, Miguel Angel Estrella, in Uruguay.

In a petition sent to the president of Uruguay and to United Nations Secretary General Kurt Waldheim, 54 faculty members at SFU called for the release of Estrella and asked that he be put under the protection of the United Nations high commission for political refugees.

The Argentinian-born pianist, who performed at SFU in 1971, was arrested on December 16, 1977 in Montevideo for political activity. Known for his left-wing views, he had attempted to introduce his music into factories and to the Indian people.

A report in the French newspaper *Le Monde* speculates that Estrella may have been the victim of ultra-rightist vigilante groups that operate with impunity in Argentina. Both Argentina and Uruguay have strong, rightist governments, and guerrilla activity is common in both nations.

Estrella was to have given a series of concerts in France in April. When the news of his arrest reached Paris, a campaign to have him freed was started by entertainers and politicians, headed by the world-famous violinist, Yehudi Menuhin. A petition of 600 names was delivered to the Uruguay embassy in Paris.

In France a committee has raised money to hire a French lawyer to travel to Uruguay in an attempt to free the pianist. In a letter released to various human rights organizations, the committee said it does not believe Estrella's defence can be entrusted to legal aid in Argentina or Uruguay.

Estrella and three other Argentinians were to be brought before a military tribunal in late December on charges of belonging to the Montonero guerrilla movement. One of those arrested was shot prior to the trial and two others, a man and his wife, committed suicide in their cells by taking cyanide. "The fact that those arrested with him are now dead gives us more than enough cause for worry," stated Jorge Garcia of SFU's modern languages department.

Political arrests, disappearances, torture, death under torture, and indefinite detention without trial are common occurrences in Uruguay where Estrella is imprisoned, as well as in his native Argentina. Since 1975 Amnesty International has documented 5 cases of prisoners who have disappeared in Uruguay and are feared killed by the security forces, in addition to 22 cases of death under torture reported before 1975 and 12 cases between 1975 and 1977.

Amnesty International has called on both Uruguay and Argentina repeatedly to allow citizens like Miguel Angel Estrella to exercise the basic freedoms guaranteed by the Universal Declaration of Human Rights and recognized by international standards of justice.

For further information, write to Professor Rene Goldman, Asian Studies Department, University of British Columbia, Vancouver, B.C., or to Amnesty International, Canadian Section, 2101 Algonquin Avenue, Ottawa, Ontario K2A 1T1.

Amnesty International news items of particular interest to the academic community appear regularly in the CAUT Bulletin. The space is made available to Amnesty International by the CAUT as an indication of the support the CAUT extends to AI and its aims. Support of particular cases is a matter of individual conscience on the part of CAUT members.



Illustration by Charles Jaffe

Reprinted from Saturday Night



film, *WR: Mysteries of the Organism*, won unanimous support for the World Council of Church's Award, the year it was released. In one scene, *Sweet Movie* shows a group of children (later apparently murdered by Anna Planeta, the female captain of a sugar barge) as she is tempting them, while, at the same time they, in a way, are tempting her. It is a complex and moving scene. The seduction and slaughter of the innocents it presents has a profound emotional and intellectual rightness in what is an important study of the problems of propaganda and advertising on the part of both the East and the West. It is an important film by a courageous film maker which is far too little known. The film is significant for the study of human psychology, sociology and politics as well as the humanities. Many of us in universities believe in the important right to have access to such films and distinguish them from the low level pornography which such legislation claims to be attacking.

Our second case could be just as unpopular, for it involves the question of the potential degradation of the human person. Pauline Reage's *Histoire d'O* is a novel of a genre which might be described as "sadesque". It abounds in Gothic settings, chains, whippings, brandings, humiliations, and ends in what some critics have taken to be a total degradation of the heroine. Yet its author, although she is anonymous, has herself become a heroine of France and her work has been produced in a film, accompanied by lengthy articles in all of the fashionable magazines. Jean Paulhan, of the French Academy, described Reage's approach to the tale of a woman who voluntarily becomes a totally submissive sex slave as "mysticism". The author, who is a friend of Bataille's (known for his work on eroticism, interdiction, transgression and de Sade) describes her work as an act of love and associates it with a secularized version of religious asceticism. In France, a milieu of serious discussion of questions of sex and violence by major members of the French intellectual community exists. Gilles

Deleuze, for example, has produced a brilliant work on Sacher-Masoch and Roland Barthes, Georges Bataille and others have contributed extensively to the revaluation of the work of de Sade. Without taking a specific position, it is possible to see people praising Reage's work or attacking it. To many women's groups it would appear a reinforcement of stereotypes, but to others it has been associated with the whole problem of liberation. Reage herself seems to agree with Morse Peckham when she implies that such writings show the essential power involved in total submission, rather than its weakness. Her work, whatever it may seem to some, forms a part of an important and significant debate and has been widely praised in France for its creative power.

Questions concerning the literary or artistic presentation of sex, violence and the degradation of the human person are complex questions requiring a subtlety and sensitivity in their eventual resolution which has not characterized courts that have found problems in James Joyce and D. H. Lawrence. The Presidential Committee on Violence in the United States showed the humility not to recommend premature action in the absence of sufficient wisdom. It ought to be possible, therefore, to question the enthusiasm of a House Committee and of a government which feels itself so secure.

Even if we grant good faith to the Committee in that its recommendations were really directed at that which they feel we all abhor, the law in force and the amendments proposed allow for vast attacks on legitimate intellectual freedoms. In the context of a committee report which sees expert witnesses and even judges as potential evils in litigation involving obscenity, serious questions ought to be raised as to what the real motives are. Presented by the same government which has resurrected the Official Secrets Act (presumably legislated for use in times of war), there is always present a danger of drifting into all convenient forms of censorship.

Donald F. Theall is Director of the Graduate Program in Communications, McGill University.

# ELEGANT ERRORS

by Al Fresco

The cold winds of the middle fall once more are blowing leaves across the campus and the daily ceremony of gathering them keeps our Physical Plant fully occupied. The well-paved roads now allow an unimpeded access to any building, old and new, and some of them are getting cross-connected by intervening green-houses. A telescope is being hoisted to the top of the new physics complex. What is more, our campus this year is not suffering from the inevitable disruption, normally introduced by the convocation. A splendid aura of provinciality has settled over the whole complex. Last year we may have been poorer by some 600 periodicals but we are richer by the possession of a French-speaking computer. Now, this device, although it is not entirely faultless, makes only what J.K. Galbraith calls *elegant errors*. In common with the academic tradition it forgets things such as invoices, and the irritation thus caused affects only the outside commercial enterprises, power commission and such like. Admittedly sometimes even the insiders — the graduate students to wit — are the brunt of delays with their payments, but that is not due to any elegant error, rather it is caused by the commitment of *sophisticated mistakes*. In some departments it appears that a complete graduate roll call cannot be executed in time for data to be analysed and processed on the computer and therefore everyone is *unavoidably delayed*. Neither the elegant errors nor the sophisticated mistakes should be confused with that other interesting group of events in academic finances when you receive suddenly a cheque of a value highly different from the one that you expected. This phenomenon, although of a mixed heritage, can often be attributed to the category of *aesthetic inaccuracies* and is caused by an operator who feels that in composing, for example, the computer card the numeral 3 is inherently much more attractive than 8, and you get 300 instead of 800 dollars.

precise account. This state of affairs, that the financial wizards refer to as *random chaos*, can be very easily corrected by a basic decision of rejecting all individual research supports for the purposes of accounting. It is a very well-publicised proposition that our university does not support research in a formal way and therefore there is no reason why we should spend time and money administering single research grants. After all, the money that is gained from such grants is pilfered away on curiosity-oriented projects.

Those who are encumbered with various research funds should really go somewhere else. Their exit would mean that the rest of us would continue our lives in an atmosphere of unhurried calm and our administrators then would make simple and unflustered group computations, uniformly applicable to everyone. Thus, in future, if at anytime there is an *unavoidable delay* such would affect everyone uniformly and no one would complain of injustice. Then we can revert to an ideal state which would conform to my beliefs. I was hurt when national criticism was levelled against my slogan of Publish and Perish and I hope that this time I have got it right. If our university gets rid of all these grants then it won't have the random chaos, the administration would be left with the much more palatable elegant errors (and sophisticated mistakes) and the faculty would have the modified slogan, Don't Publish and Don't Perish, to follow.



An elegant error

There are, of course, other broad divisions of inexactitudes perpetrated in various calculations and of late all such have often been subject to those acrimonious discussions in which the blame is laid on our administrative units. One must, however, remember that such little local difficulties may arise because of the complexity of our operations. Not only do we have the problem of receiving and paying out ordinary funds, but there are also the profits to be made from short range investments, the moneys to be paid for new buildings, the details of the ancillary enterprises etc., to be seen to. Perhaps one type of financial transaction that has caused more difficulty than anything else is the complex function of multiple grants, awards and contracts offered and received of various altruistic research supporters such as N.R.C. and Canada Council. The muddle that one can easily get into, from the mere contemplation of all these individual-directed allocations and expenses is indescribable. No wonder in the last year or two no one has been certain as to what funds are there and in what

Simon Fraser  
University

## DIRECTOR

Master Of Natural  
Resource Management  
Program

A Director is required for the Master of Natural Resource Management Program which has been established at Simon Fraser University. The new program, which will admit its first students in September, 1979, consists of two years of graduate work, and is designed for recent graduates and experienced professionals. The Director will co-ordinate instructional and research programs from varied disciplines and departments.

The Director should have an established academic and professional reputation in one of the disciplines related to resource management and will be offered a permanent appointment jointly between the program and an appropriate department.

The preferred date of appointment is January, 1979, but later starting dates can be negotiated. Salary and rank will be dependent upon qualifications. Applicants should send curriculum vitae and the names of three referees to:

Dr. T.W. Calvert  
Dean,  
Faculty of Interdisciplinary  
Studies,  
SIMON FRASER UNIVERSITY  
Burnaby, B.C., Canada  
V5A 1S6



## An unsavoury diet of Danish Blue

by David Martin

Rajeev Dhavan and Christie Davies, editors. *Censorship and Obscenity*. Martin Robertson, £7.95.  
Edward J. Bristow. *Vice and Vigilance: purity movements in Britain since 1700*. Gill & MacMillan, £12.00.

Let me begin by examining the contribution which the psychologists make to the provocative and judicious volume edited by Davies and Dhavan.

Dr Patricia Gillan is an advocate of the therapeutic potential of obscene materials. These she prefers to call "erotica" on the ground that therapeutic intention deprives them of their obscene character. (No doubt she has in mind the Kantian dictum that there is nothing good but the good will.) Having redescribed her materials in more acceptable terms she details a whole battery of techniques for use on those who need or want a course of sexual reorientation. For example a homosexual anxious "to enter the heterosexual field of encounters" will be enabled to do so in such a way that he "maximizes his options". He can, in short, be introduced to the problems of heterosexuality without leaving behind any of the problems of homosexuality.

Or to give another example. Messrs Zwang and Romieu are quoted as prescribing pictures of sex in groups (group sex?) and coming up with the experimental finding that the women got as much out of it as the men. These same experimental pioneers recommend home projections, communal baths (hot tubbing?), mirrors around the bed and "gastronomic outings". Such outings are not described but one must presume they involve something more than mere *dejeuner à l'herbe* or dinner at Quaglino's. Zwang and Romieu conclude that *sexual* pleasure is to be identified as *sensual* pleasure. There is, they say, nothing worse than not having it. Happily it has been shown, for example by Amoroso and others, that people who are treated with sexually explicit materials become more aroused than those who are not, at least if you take their masturbation count as an important indicator. Of course, there are problems of monitoring and measuring in such matters, especially, it seems, for activities carried on *in vivo*. Too many instruments draped over and round the more sensitive areas of the body sometimes distract attention from the required and approved fantasies, as perhaps do little lights and alarm bells (working to give assurance of successful effort) to turn you off misdirected libido.

These brave new attempts at conditioning people to perform in accordance with what Dr Gillan calls "the more approved or more desired sexual activities" are just what *A Clockwork Orange* envisaged.

Psychological technique is enthusiastically employed to serve the hedonist norm, just as law was utilized to buttress the norm of self-control. Both regimes try to bring the individual up to expectations. Both encounter recidivists: conformed villains before the law, inveterate poor performers before the sexual imperative. Even after the Masters and Johnson treatment people have been found who confess to a miserable level of desire. This is known technically as "low sex drive" and has led psychologists to yet further efforts to get the libidinous craving up to scratch.

These efforts include a tape called "Japanese Sounds of Sex", in which oriental ladies sigh and scream, the film *Danish Blue*, pictures of what a tasteful delicacy calls "heterosexual activity such as is commonly circulated in London", accompanied according to preference by ragas, reggae or Ravel's Bolero. After listening, watching, bolering and fantasizing for 15 sessions most of the performers were found to be emitting improved heterosexual activities. This more over is an important finding because it has been put about that healthy Danes get bored by a diet of *Danish Blue* whereas unhealthy Britons begin to look forward to a lifetime of happy concupiscence.

Of what interest is this little factory of happiness which has been set up at Guy's Hospital? Quite a lot, because Dr Gillan's final apologia is actually an explicit and vulgar version of a widespread attitude. She claims that repressive and authoritarian religion has contaminated government, industry, education and nursing. What we call "revolting" is really the thin end of revolution. It is not violence which causes control but control which creates violence; a free market in desire would bring about peace and abolish war. Thus the theory of Dadaism legitimates the practice of the reconditioned reflex.

Professor Eysenck's contribution is somewhat more *nuancé*. He challenges the idea that sex is a biological necessity. Rather it is socially patterned appetite. Our society has chosen, through the edicts of its commissars of culture, to extend farther and farther the range of sex-conditioned stimuli. If, he says, we want to live in a society which stresses "permanent secure and loving union" between a man and woman, then pornography and what it stands for is a serious threat. What pornography "stands for" is the climate of continuous stimulation sustained by the commercial deployment and exploitation of sexuality. Now, of course, this takes us a considerable distance from pornography proper, which now seems a minor issue compared with the question of a social atmosphere

constantly reinforcing the sexual motif.

Eysenck goes on to make a number of important points. One concerns the variable effects of pornography: it does not have one set of consequences. Another concerns the issue of individual choice. There are those who claim you *can* turn it off, you do not *need* to go, you do not *have* to fall in with your peer group or accept the messages of the media. This viewpoint really does ignore the slow stain of acclimatization and the invisible power of usage. The arguments for the right of individual choice may well be powerful, but it is precisely the unrestricted power to emit signals on the media which impinges on that right. The right of certain persons to send out a powerful signal can be in collision with our right to rest in peace.

The model of society which envisages atomic individuals each engaging in acts of autonomous consent is about as realistic as the model which saw employer and worker as free and equal partners to a contract. The cultural libertarians are the modern equivalents of the proponents of economic *laissez faire*. This does not mean that the authoritarians are right: it means that

there is a lot of hypocrisy and humbug in the progressive pose of the libertarians.

An important part of the libertarian case for pornography is that it does not, in and by itself, give rise to sexual criminality. This is widely accepted and it is the burden of Dr Kutchinsky's contribution to this volume. But he also cites various experiments based on exposure to pornographic materials. He claims that these largely document the frequent claims that stimulation leads to nothing worse than boredom. "It is apparent that any idea of a general, or short-term detrimental effect of pornography must be rejected" (page 123). Psychology has spoken. Then I turn to Professor Eysenck on page 175. "It cannot any longer be argued with any degree of conviction that pornography or the portrayal of violence have no effect ... behaviour and emotional reactions are affected, and the effects are not transitory." Psychology has spoken again. You pay your money and you pick your experiment.

Yet the psychological evidence matters for reasons which are underlined by Christie Davies in an

➡ p. 23

## Flies in Britain... but in Canada ?

by Graeme Decarie

### THE OPEN UNIVERSITY Walter Perry



Walter Perry, *The Open University: History and Evaluation of a Dynamic Innovation in Higher Education*. (Jossey-Bass Inc., San Francisco, 1977). Pp. xvi, 298. \$12.95

Aircraft designers assure us that bumblebees, lacking the correct symmetry and proportions, cannot fly. Sir Walter Perry, as founding Vice-Chancellor of Britain's Open University, has built an educational bumblebee. And, despite

the sceptics, it can fly. In fact, it has flown so well that there has been wide interest in the how and why of its flight. Sir Walter has responded to the interest with this nuts and bolts, thinking aloud account of his work.

He explains almost every stage of Open University's development from its origins in a political speech to its maturity as a credible institution of teaching and research. On the way, it met every obstacle that parsimony and academic snobbery could set, obstacles that Sir Walter describes as he must have overcome them, with tact and subtlety. Academics will find some sour amusement in his account of the jungle growth of committees and administration, and perhaps some instruction in his gardening hints. There is also mention of Open University's forebears and descendants in various countries though, significantly, Canada is not included.

The key to Open University's credibility in the public eye was its acceptance by academics who, in their turn, based their judgement on the new institution's academic standards. It is typical of Sir Walter's pragmatism that, though the academic world's notion of standards might be marked by misconception and narrowness, he accepted the need to meet it. That meant an emphasis on

➡ p. 24



John S. Brubacher, *On the philosophy of higher education*. Jossey-Bass Publishers, San Francisco, Washington, London, 1977. x pp 143; Index. \$8.95

Professor Brubacher describes his slender volume as "the culmination of an academic interest as long as my career," and the result of his confidence that he has "got it all together." The work covers a broad spectrum of topics on higher education appropriate for a university course on the subject, and is presented in a correspondingly familiar format: the basic issues are...; the distinguishable options are, and this is what A and B and C and D... have said about them — much of the material mutually contradictory, of course, and all of it presented in very summary form. Not the sort of thing to keep the professional academic mind alive, really, at least not for long: a comment intended more for the readership of the *CAUT Bulletin* than as a criticism of the work itself.

Brubacher provides a context for his work with the unexceptional judgment that (American) higher education "seems to be in a time of troubles," and proceeds to present his material from a point of view he would be satisfied to have termed philosophical pragmatism. A reader unfamiliar with or disinclined towards professional labelling, however, would call the approach one of somewhat reflected-upon common sense.

There is no doubt the author is a long-time and well-intentioned advocate of the personal and social value of higher education; and while his basic judgments are not marked by striking originality (it's difficult to see how they could be!), they do go to substantial issues: higher education is legitimate, not anachronistic (Chapter One); institutions of higher learning

# Lofty sounding but largely empty

by Arthur P. Monahan

should be autonomous, within limits (Chapter Two); academic freedom is justifiable, within limits (Chapter Three); higher education should be available as a right to more rather than fewer citizens (Chapter Four); and so on.

This last point, says Brubacher, requires "a distinction between higher and lower higher education which is not one of a kind but of degree." Unfortunately, the book is filled with this sort of statement, lofty sounding but largely empty or analytic: "the genius of American higher education is that it is pluralistic," (p. 67); "liberal education is more than just reading books" (p. 71); "in addition to acquisition (of ideas), there must be comprehension and understanding as well" (p. 72); "the university must go on and transmute the higher learning into wisdom" (p. 119). The only such chestnut I failed to notice and which might have been there as encapsulating the author's position is the unassailable nostrum that an institution that fails to change, dies. Oh, well!

For all that, Brubacher does from time to time show his reader a personal judgment, but not nearly as often as he might have. Even less often is his position clearly delineated from one or other of the authorities he insists on citing. Further, perhaps because of the work's brevity, the author's judgments are



rarely accompanied by any real explanation of why he maintains them; and occasionally the rationale offered is at best ambiguous if not downright inadequate. He seems to say, for example, that "the reason (*sic*) the lay board may sometimes be in the best position to arbitrate differences of opinion within the community of scholars over how limited funds should be allocated to competing academic projects... (is that) the lay

board holds the purse strings" (p. 32). Even if the latter clause is true in fact, surely the former does not follow from it. The use of such language in the quotation as "may sometimes" is typical of Brubacher's tendency to sidle up to any explicit stand.

Personal comments are offered on more narrow contemporary issues as well: the author is opposed to faculty collective bargaining (faculty unions), pp. 33-4; opposed with an ambiguous qualification to student participation in university governance: he says students might perhaps be best involved in "less formal procedures," p. 36; opposed to physical disruption of academic activities, p. 51; in favor of providing special opportunities (positive quotas?) for disadvantaged minority groups, p. 64; and of standards other than students' own assessments for evaluating student performance, p. 101; etc.

The most substantive issue on which Brubacher declares himself is what he terms "value-free objectivity" as a justification for the operation of institutions of higher learning. He rejects this position on what he calls epistemological grounds (presumably, his pragmatic conception of the nature of truth and knowledge), and advocates a direct moral purpose for higher education, doing so with particular fervor in the final chapter entitled, "The university as a church". He is at his most rhetorically dynamic here, making this chapter the most interesting, if still not a very satisfying, statement. The previously noted and related characteristics of brevity and ambiguity again mar his formulation of this issue. Brubacher would have been better advised to eschew the classroom format of presentation, and offered more of himself. Had he done so he might have advanced his subject further; certainly he would have pleased this reviewer more. ■

## Unsavory diet... from p. 22

important opening essay. This concerns the rhetoric which our rulers deploy to argue about censorship. He documents a shift from moral arguments about good and bad to casual arguments about damage to society. This means that the citation of psychological and sociological evidence assumes greater weight, even though the shift is less pronounced with respect to censorship than with respect to divorce, abortion and capital punishment.

However, it is not at all a straight fight between morality on the right and causality on the left. Moralizers generally employ some notion of social causality as well as the rhetoric of pollution and poison. On the other side, part of the libertarian argument refers back to just those ethical considerations about personal liberty put forward by J.S. Mill over a century ago. On the whole of course the arguments on both sides are incoherent in their morals and muddled in their understanding of causality. Davies concludes that the changes brought about by Parliament were "neither deliberate nor rational nor liberal". ... "If our leaders appear incompetent and irrelevant, it is because they are." Liberalization was an unintended consequence of muddling through: the spring of change lay outside the parliamentary arena.

The legal arguments assembled in this volume are subtle and, to my mind, convincing. Dhavan concludes that both philosophically and empirically the only case made out so far is for the need to tackle the danger of

commercial exploitation of obscene items or their indiscriminate advertisement rather than their creation or consumption. MacCormick concentrates on the relationship between privacy and obscenity. He takes off from the argument that the public display of obscenity intrudes on personal privacy and he concludes that obscene displays are simply one aspect of environmental offence. It is a general public nuisance not a particular private one.

Of course, the connexion between private act and public display is very much at the heart of the campaign inaugurated by Mrs Whitehouse and discussed here by David Morrison and Michael Tracey. It has been suggested quite plausibly that television intrudes a set of values into the home and eats at the moral substance of the family. Children are inducted willy-nilly into a smart world of show-biz and raw commercial values deeply inimical to the quiet decencies of provincial England. The home is subject to systematic and continuous penetration. Thus Morrison and Tracey suggest that an organization like the National Viewers and Listeners Association represents a response to secularization. It tries to defend a culture with a religious basis against violation. Their understanding of NVALA firmly rejects the view which sees Mrs Whitehouse and her allies as using the symbol of television to defend a threatened social status. This latter view is a typical sociological put-down and does not stand up to the evidence. We may or may not agree with the redoubtable Mrs Whitehouse but we can at least concede that she is moved by overt principle and not covert interest.

NVALA and the Festival of Light

are of course the most recent inheritors of a tradition three hundred years old, which began in the 1690s with the Societies for the Reformation of Manners. Anyone who wants a rumbustious, sympathetic, informed and amusing account of movements for purity, can find it in Edward J. Bristow's *Vice and Vigilance*. Throughout the three centuries the forces of purity and purification sought to clean up the public face and push the erotic and obscene into the dark. It is a mixed legacy running from the moving and beautiful figure of Josephine Butler campaigning against the double standard, to all the mean and narrow attempts of those once described by the *Daily Telegraph* as *Prudes on the Prowl*. At times the impulse to purity has run alongside radical Puritanism and feminism. At other times it has been allied to a conservative and philistine rejection of all the life-enhancing experiences or has acted as a tool of counter-revolutionary repression, as in the 1790s. At yet other times it has been the psychic pivot of revolutionary zeal and of the totalitarianism which almost always accompanies it.

Perhaps most curious are the vigilante movements which preceded the First World War. The combined moral and medical assault on masturbation makes awesome reading. Those were the days in 1905

## About our reviewers...

Professor Graeme Decarie is with the History Department at Concordia University... Professor Arthur P. Monahan is Chairman of the Department of Philosophy at Saint Mary's University.

when the chief constable of Manchester was able to claim his jurisdiction was known as "the holy city" following the seizure and destruction of 25,000 copies of Balzac. In *Rovering to Success* Baden Powell advised young men that the "rutting season" could be negotiated without loss of semen if they bathed their racial organ in cold water daily. In 1886 Maurice Gregory of the Gospel Purity Association patrolled town and country covering quack advertisements and shops where risqué pictures were sold with posters which warned "Having eyes full of adultery, and that cannot cease from sin, where will you spend eternity?" — an early anticipation of the government health warning.

It is a very odd story, combining heroism, reformism, philanthropy and prudery. I conclude with one or two pleasing examples of the entertainment value of Bristow's volume. In 1901 The White Cross Society sponsored *The Curse of Boyhood*. This work was followed by *What a Young Boy Ought to Know* and a Kirk sex series run by a Congregationalist minister. Especially popular with parents was *A Talk With Girls About Themselves*. Pages 47a and 47b provided alternative explanations of the facts of life, one explicit, the other incomprehensible. You clipped out one or the other along the perforation according to taste.

And in 1934 the Bishop of London told the House of Lords "... when I hear of 4,000,000 (contraceptives) being manufactured every week, I would like to make a bonfire of them and dance round it." *O tempora, o mores!* ■

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## In Memorial... from p.2

I am sorry for not having answered your letter sooner, but various projects which were generated by the CAUT Council meeting prevented me from doing so earlier.

Insofar as I am aware, the first part of the News Release (and the news story in the *Bulletin*) is in general a correct version of events which led up to Memorial's Faculty Association instructing its Executive to generate a drive for certification.

The last part of the Release and the news story refer to a meeting of the Faculty Association during which a number of speakers aired problems and concerns about conditions at Memorial. To my knowledge, both the News Release and the *Bulletin* article are accurate in their synopsis of speakers' views and the general reportage of subjects aired during the meeting.

We are, of course, concerned that you have found certain statements issued by the CAUT to be misrepresentative and false, and we would be happy to publish your views in the *CAUT Bulletin*. At the same time, we feel that we ought to allow a faculty member who was present at the general meeting to provide our readers with her or his version of just what was said.

I would be happy to hear from you whether you find such an arrangement suitable.

Sincerely,

Israel Cinman,  
Editor, *CAUT Bulletin*

July 4, 1978

Mr. Israel Cinman,  
Editor, *CAUT Bulletin*,  
Canadian Association of University  
Teachers,  
Ottawa, Ontario.  
K1P 5E7

Dear Mr. Cinman:

I refer to your response of June 13, 1978, to my letter of May 10, 1978. I had requested that you investigate the discrepancies between your release and my statement of the correct facts on the items contained in the news release and *CAUT Bulletin*. I had further asked that you publish a corrected release retracting the statements which have no factual basis. Your position seems to be that the News Release and the *Bulletin* article are accurate in their synopsis of speakers' views and the general reporting of subjects aired during a Faculty Association meeting.

I respect your view in permitting a faculty member who was present at the general meeting to provide your readers with his or her version of just what was said. However, I cannot accept that any publisher is permitted to convey false and misleading information with impunity, especially when the article as written is not indicated to be an expression of one faculty member's perception of the actions by the President but rather to be a factual statement of what has transpired.

I am still of the opinion that the published article contains defamatory statements and that as a responsible organization you should ascertain whether the statements are correct or incorrect. If you are satisfied that inaccuracies exist, I ask that you publish a clarification which indicates that the allegations concerning my actions were made by the author of the article and are not necessarily established as factual. If you are unwilling to take this course of action, I request that you publish my comments of May 10, 1978, to members of faculty and our exchange of correspondence on this matter.

Yours sincerely,

M.O. Morgan,  
PRESIDENT,  
Memorial University of Newfoundland

August 2, 1978.

Dr. M.O. Morgan,  
President,  
Memorial University of Newfoundland,  
St. John's, Newfoundland.  
A1C 5S7

Dear President Morgan:

As I stated in my letter of June 13, we would be happy to publish your views on the matter of the CAUT News Release and the *Bulletin* article, "Memorial to certify — regents call special plan 'window dressing'." We maintain that our report fairly stated the positions of both sides. We acknowledge, as indicated in your letter, that there were errors stated at the meeting of the faculty association and thus reproduced in our report. We do not think that these affect the substance of the article or of the positions expressed at the faculty association meeting. We think that the matter is best handled by printing the entire correspondence plus your memorandum to the faculty and shall do so in the October issue of the *CAUT Bulletin*.

Yours sincerely,

Israel Cinman,  
Editor, *CAUT Bulletin*

## Flies in Britain... from p.22

publication for faculty and on vigorous programmes for students. The latter qualification might have been satisfied by a high failure rate since academia has long believed that the butcher's bill is proof of good generalship; but Open University wanted standards to mean rather more than that. Throughout his account, one is struck by Sir Walter's determination to secure the highest standards of teaching and of student evaluation. Open University's evaluation system, which allows for variables among both faculty and students, is particularly impressive.

It was the concern for teaching which led Open University to alter the role of the academic department. The department's control of teaching is, according to Sir Walter, a root cause of problems since it permits scholars to restrict their efforts to reproducing their academic selves, a process usually considered desirable when seen in the first person but less so when seen in the second. His solution was to allow the department to continue its control

over research but to place control over teaching in course teams made up of academics, and BBC production staff. Teams update their courses every four years. It all sounds unworkable but, like the bumblebee, it flies. How many traditional departments can say as much of their teaching?

Though the book is full of suggestions concerning various areas of university life, Canadian readers will probably be most interested in learning whether the principle of an open university could be applied in this country. The answer seems to be a very conditional yes. The market certainly exists, not only among the usual part time students but among the physically handicapped, the military, and prisoners. But those courses already designed by Open University may prove unsuitable for Canadian students, and the design of new ones is an expensive process. When one adds to that the problems posed by provincial jurisdiction over education, it is clear that *The Open University* does not provide Canada with a blueprint. Still, it is a stimulating indication of what should be done and what can be done and, with a little inventiveness, what might be done even here. □

## Benefices économiques...

from p.32

congé sabbatique laisse sa femme et ses enfants à la maison durant une période prolongée, leurs frais de déplacement constituent également un élément des frais de poursuite des recherches et devraient se déduire. Les frais temporaires d'hôtel engagés pendant la recherche d'un logement plus permanent ainsi que tous les frais intervenant durant un voyage à l'extérieur ou la visite de centres de recherches situés loin du domicile du chercheur constituent aussi des déductions légitimes. Il faudrait aussi déduire tous autres frais directement rattachés aux recherches tels que le coût de l'aide à la recherche, de la dactylographie, de la photocopie, de la rédaction et de la publication de rapports et tous autres frais autres que les dépenses personnelles ou de

subsistance.

Il faudrait inscrire les subventions de recherches nettes à la ligne 03, page 2, de la Déclaration fédérale d'impôt des particuliers (1976). Il faudrait joindre un état résumant les dépenses déduites de la subvention pour en arriver au montant net déclaré. Il n'est pas nécessaire de joindre des reçus, mais l'impôt peut les demander en tout temps. Le chercheur devrait donc garder note de toutes ses dépenses de recherches et pouvoir les justifier au moyen de reçus.

L'ensemble des bourses d'entretien, prix, bourses d'études et bourses de recherches, moins la déduction statutaire de \$500, est à inscrire à la ligne 18, page 2, de la Déclaration fédérale des particuliers (1976).

Dans le cas du contribuable qui réside au Québec, les subventions de recherches nettes se déclarent à la ligne 28, page 2, de la Déclaration provinciale d'impôt des particuliers (TP1 1976) et l'ensemble des bourses d'entretien, prix, bourses d'études et bourses de recherches, moins la déduction statutaire de \$500, à la ligne 50.

## Simple congé et impôt sur le revenu

La question de l'impôt sur le revenu dans le cas du simple congé peut différer de celle de l'impôt connexe au congé sabbatique. Comme il est signalé plus haut, l'aspect le plus important du statut de résident ou de non-résident est celui du montant de revenu attendu de sources étrangères.

La plupart des universitaires en congé sabbatique sont financés par des sources canadiennes imposables et, partant, n'ont pas grand-chose à gagner au statut de non-résident. Par contre, le professeur en simple congé dans un pays étranger bénéficie souvent d'un traitement ou de subventions provenant de ce pays ou d'un autre pays. S'il obtient le statut de non-résident, il évitera l'impôt canadien sur tout le revenu de source étrangère et, si les instances fiscales étrangères sont également désintéressées, ce revenu sera tout à fait libre d'impôt. □

# SAINT MARY'S UNIVERSITY

*Invites applications, or nominations, for the position of*

## PRESIDENT

*to take office July 1, 1979*

Saint Mary's is a co-educational University which offers programs at the graduate and undergraduate levels. There are approximately 2500 full-time students and 2500 part-time students and a Faculty of 175.

The salary and terms of office of the President are negotiable.

Nominations for the position or written applications, accompanied by a resumé, will be received until a selection is made, and should be sent to:

Dr. Michael MacMillan, Secretary  
Presidential Search Committee  
Saint Mary's University  
Halifax, Nova Scotia  
B3H 3C3



## New Section E of policy statement on Academic Appointments and Tenure: Part-Time Faculty

Le nouvel article E de l'énoncé de principes sur les nominations de professeurs et la titularisation en ce qui concerne les professeurs à temps partiel fait la distinction entre les professeurs à temps partiel dont la charge professorale équivaut à deux cours et plus d'une pleine année par année scolaire et ceux qui enseignent moins de deux cours sans autres responsabilités à l'université.

De l'avis de l'ACPU, les premiers devraient être traités comme des professeurs à plein temps, jouir des droits, privilèges et avantages communs aux professeurs à plein temps et faire partie du groupe de professeurs pour lequel l'association ou le syndicat de professeurs négocie. Les droits des seconds devraient comprendre un taux de rémunération par cours raisonnable, des avantages sociaux proportionnels et l'admissibilité à la titularisation.

Le projet d'énoncé de principes de l'ACPU sur les nominations à temps plein pour une durée limitée dit que le recours à ces nominations devrait être restreint et clairement spécifié dans les conventions collectives ou les guides des professeurs. Les professeurs en cause devraient jouir des mêmes droits, avantages et privilèges que ceux qui sont communs à tous les professeurs, y compris l'appartenance à l'association ou au syndicat d'ordre local des professeurs.

Les droits des professeurs de l'extérieur devraient comprendre la liberté universitaire, l'assurance invalidité à court et à long terme, un rang et un salaire proportionnés à leurs qualités et à leur expérience et l'appartenance à l'association ou au syndicat d'ordre local des professeurs.

On peut offrir à un professeur un contrat d'une durée déterminée et limitée lorsque les fonds viennent d'une subvention de recherches spécifique ou d'un programme gouvernemental ou autre se terminant à une date particulière.

L'ACPU est opposée à toutes les formes de contingents de titularisation dans les universités canadiennes.

Aux documents sont jointes les versions correctes des clauses modèles sur la discrimination et la liberté universitaire en remplacement des versions incorrectes imprimées dans le numéro de septembre 1978 du Bulletin de l'ACPU.

Le texte français est disponible sur demande du bureau central de l'ACPU.

Universities in Canada have traditionally used part-time and sessional appointments for a wide variety of purposes and to cover many different types of employment. They have also used a variety of titles to describe part-time work and sometimes these titles are used differently by different universities. Nor do all universities make it as clear as they might whether an academic staff member is full-time or part-time. All academic staff should receive appointment offers which tell them specifically whether they are regular full-time or part-time regardless of any other terminology to describe their posts. All categories of academic staff should have the same guarantees of academic freedom and freedom from discrimination.

The major differentiation recommended by these guidelines is between those part-time academic staff members engaged in academic activities equivalent to teaching two or more full-year courses per academic year and those part-time academic staff who teach fewer than two courses or are engaged in equivalent academic activities per academic year sometimes without further responsibilities in the university.<sup>1</sup>

### 1 Part-time academic staff who teach two or more full-year courses or who have other academic responsibilities equivalent to this.

The CAUT does not favour the use of part-time appointments for academic staff members responsible for the equivalent of two or more full-year courses. In the experience of CAUT, persons holding such appointments are frequently treated in an inequitable manner. If, however, such appointments are made, academic staff members holding them should be accorded the protections described in the following sections.

CAUT believes that an academic staff member who is considered by a university to be part-time but who carries substantial teaching or other academic responsibility and is paid on a per course basis should be treated in a category separate from those

who teach or undertake other academic responsibility less than the equivalent of two full-year courses per year. Academic staff in the former category have been found to teach heavy course loads on a per course salary usually without fringe benefits or other rights. They should be treated as full-time academic staff<sup>2</sup> and should be members of the academic staff group for which the faculty association or union bargains. This can be done by reviving the category of Instructor where this has fallen into disuse or by inventing a new category. All such academic staff should be eligible for membership in the faculty association or union and should be entitled to the rights, privileges and benefits which are common to full-time academic staff or similar rank and length of service. In particular:

- they should be paid on the same basis as the other full-time academic staff and should not be paid on a per course basis;
- they should have the same fringe benefits as the other members of the academic staff;
- they should participate in any career progress plan and should have the opportunity, when qualified, for promotion in rank;<sup>3</sup>
- they should be able to participate in university, faculty and departmental governance on the same basis as full-time members of the academic staff;
- they should have the same guarantees of academic freedom and freedom from discrimination;
- and they should have opportunity for research and administrative or committee work and should be eligible for tenure after a period of probationary service proportionately longer than for an academic staff member on a probationary full-time appointment under the same criteria as full-time members of the academic staff. Such an appointment should not be automatically transferable to a tenured full-time appointment.

### 2 Part-time academic staff who teach or have other academic responsibilities less than the equivalent of two courses per academic year.

- As a minimum, part-time staff in this category should have a reasonable rate of pay on a per course basis, pro-rated fringe benefits where this is legally possible<sup>4</sup> (but allowing those with their major employment or source of income elsewhere to opt out), academic freedom and freedom from discrimination, the right to be present or to be represented at departmental meetings<sup>5</sup>, and should be eligible for tenure. Tenure in a part-time appointment should be possible after seven years of continuous service as a part-time academic staff member or after a longer period of discontinuous service provided the last three years are continuous. Tenure should be granted through the same mechanisms and on the same criteria as for full-time academic staff. Where the part-time staff are not part of a certified unit, the academic staff association should actively work toward the adoption of these contractual arrangements by the university.

- The question of whether faculty associations who are bargaining agents can legally represent part-time employees teaching less than two courses and, if so, whether this can effectively be done has been referred for further study. Nevertheless associations, whether certified or not, should support the protections indicated in this document even if the one-course sessionals are not members.

### 3 Part-time academic staff excluded from collective agreements or handbooks.

Where part-time academic staff or limited term appointees are excluded from the collective agreement or academic staff handbook, the academic staff association or union may wish to consider negotiating the minimum number of full-time

academic staff positions which cannot be changed except by agreement. Alternatively, a minimum percentage of the budget to be applied to full-time academic staff salaries, or a ceiling on the number of part-time appointments could be negotiated, in order to ensure that the number of full-time positions is not eroded by an increased reliance on part-time faculty.

### 4 Transfer of tenured full-time academic staff to part-time status.

Some tenured academic staff members may prefer to hold part-time rather than full-time status. To accommodate such members, academic staff associations, whether they are bargaining agents or not, should consider negotiating a mechanism by which such a voluntary change of status can be arranged. Academic staff associations must, however, ensure that such members keep their tenured status including all their rights and privileges as academic staff members and members of the association as well as pro-rated salary and fringe benefits.<sup>6</sup> Associations should note that it is difficult to arrange life, medical and dental coverage for those with less than half-time status. In no circumstance should an academic staff association agree to the creation of a transfer of status policy without the guarantees specified in this document. The terms of a change in status should be clearly specified in writing. Subsequent return of an academic staff member to full-time tenured status cannot be guaranteed and should be the subject of negotiation between the academic staff member and the university and subject also to the terms of the academic staff handbook or collective agreement which is in force.

- Throughout this document it should be understood that reference to course responsibility is intended to imply responsibility for related academic duties. It should also be understood that the reference to course loads applies only to those whose contracts stipulate that they are part-time faculty and not to the regular full-time faculty.
- Full-time academic staff members are defined as those whose principal source of income comes from the university and who carry teaching, research and committee or administrative responsibilities which are generally regarded within the particular university as consistent with a full-time commitment to an academic career.
- Where instructors are appointed without scholarly or research requirements, the university may restrict the right to promotion in rank provided it does not restrict the normal career progress or salary of such individuals. (See B.5 in Guidelines on Limited Term Appointments, Visiting Professors, Appointments Based on Short-Term Funding and Tenure Quotas.)
- Part-time academic staff can normally participate in the pension plan (with pro-rated contributions and benefits) without problem. However, life, medical and dental insurers are not likely to cover them at all because such persons do not work a sufficient number of weekly hours (25) to be included in the plan. This is not a legal impediment simply one of insurance company practice. However, the university can by agreement pay direct to such employees the equivalent of what its pro-rated contributions to fringe benefits would be. The part-time academic staff member could then buy his/her own coverage.
- CAUT recognizes that it is reasonable where there are large numbers of part-time faculty in a particular department, school or programme that the constitution of the department, school or programme may require that the part-time faculty be represented by elected delegates rather than by extending the vote to all part-time faculty.
- This is a minimum position. Nothing in this paragraph should prevent the negotiation of more favourable pension or other benefit arrangements.

### Model Clause on Discrimination for Collective Agreements and Faculty Handbooks.

The parties agree that there shall be no discrimination, interference, restriction or coercion exercised or practised with respect to any employee in regard to any matter including salaries, rank, appointment, promotion, tenure, permanency\*, reappointment, dismissal, sabbatical leave, fringe benefits, or any other terms and conditions of employment by reason of age (except for retirement as provided for in this collective agreement or faculty handbook), race, language (except where the lack of language competence would clearly prevent carrying out the required duties), creed, colour, ancestry, national origin, political or religious affiliation or belief, sex, sexual orientation, marital status, family relationship, personal or social life style or behaviour, clerical or lay status, physical handicap (except where the handicap would clearly prevent the carrying out of the required duties), place of resident, membership or activity in the association. The parties agree, however, that no member of the association or union or person acting as an officer of the university shall take part in formal discussions or vote with regard to the determination of any term or condition of employment of a member of his/her immediate family.

\*or whatever term is used to describe permanency for librarians.

#### NOTE:

If a collective agreement or faculty handbook entrenches existing procedures for dealing with renewal, promotion, tenure, etc., there should be a clause to state that any complaint of discrimination or violation of academic freedom should be subject to the grievance and arbitration proceeding of the agreement or handbook and that the arbitrator should be free to rule on substantive as well as procedural issues. In no cases should allegations of discrimination or violation of academic freedom be referred back to the committee or individuals who made the original judgment.

*This is the correct version of this clause and is reproduced to replace an incorrect version which was printed in the September 1978 issue of the CAUT Bulletin.*



## B.1

### Limited term, full-time appointments

(a) Appointments for limited terms are undesirable except for special purposes and should not be substituted for probationary appointments.

(b) The use of appointments for limited terms for full-time academic staff should be clearly specified in any collective agreement or academic staff handbook in the following manner:

(i) Contractually-limited term appointments should be restricted to functionally defined positions such as replacements for academic staff members on sabbatical leave, sick leave, leave without pay, or for appointments funded by contract;

(ii) Academic staff associations or unions should attempt to specify in collective agreements or academic staff handbooks either the exact number of such appointments or the maximum percentage of the salary budget to be allocated to such appointments. Academic staff unions should note that if limited term appointees are represented by another bargaining agent it would be illegal to stipulate their terms and conditions of employment in a collective agreement negotiated by the academic staff union.

(c) Academic staff association and union membership should be open to all full-time academic staff on limited term contracts and associations and unions should attempt to negotiate in good faith just and reasonable terms and conditions of employment consonant with the principles expressed in this guideline.

(d) Academic staff on limited term contracts should enjoy the same rights, benefits and privileges as are common to all other academic staff, e.g., membership in the local academic staff association or union, fringe benefits (except that the benefits would not extend beyond the terminal date specified in the contract), salary and rank commensurate with qualification and experience, academic freedom and freedom from discrimination, the right of equal access to grievance procedures, library privileges, participation in university governance through election or appointment, the right to participate in departmental meetings, the right to teach and to undertake research. By definition this would not include the right to a tenure consideration although this would not preclude a consideration in the circumstances of (f) below.

(e) The length of a limited term appointment should be clearly stated in writing and should not be for less than one year and should exceed a total of three (3) years only in case of appointments supported by short-term funding (see B.2 below).<sup>1</sup> If the appointment continues beyond three years, it should be considered a probationary appointment except in the case noted above.<sup>2</sup> If the University intends to make an appointment to a probationary position for which the term appointee may be a candidate it should advise the term appointee to this effect not later than the first day of January in the academic year in which the contract ends. Every effort should be made to notify the term appointee of the decision on the appointment

# Proposed guidelines on limited term appointments, visiting professors, appointments based on short-term funding and tenure quotas

early enough so that he or she may investigate possibilities of other appointments.

(f) If a person who has served on a full-time limited term contract is subsequently given a probationary or tenured position, then the time served in the limited term contract should, with the approval of the academic staff member, be counted as equivalent service to the university with regard to probationary or tenured service or wherever a seniority rule applies. (See CAUT Policy Statement on Academic Appointments and Tenure for CAUT position on tenure.)

## B.2

### Short-term funding

(a) Contracts may be offered to an academic staff member for a definite and limited term because the funds come from a specific research grant or government or other programme with a terminal date. The academic staff member should, however, be informed in writing by the appropriate administrative officer at the time of appointment that he or she is being appointed to a limited term contract arising from a specific research grant or government or other programme with a terminal date. It is not acceptable to attempt retroactively to declare appointments to be limited term because of short-term funding problems.

(b) During the period of the grant, the academic staff member should have the protection of academic freedom, freedom from discriminatory actions, the same protections with regard to dismissal for cause during the term of the contract as other academic staff members, access to the grievance and arbitration procedures of the university along with appropriate coverage for illness, disability, dental care and access to the university life insurance policy.

(c) Academic staff associations and unions should include academic staff members on short-term funding in the association or union and should bargain for them to secure just and equitable terms consistent with this policy statement.

## B.3

### Visiting professorships<sup>3</sup>

(a) Visiting professorships should be used for the purpose of securing the services temporarily of a *bona fide* visitor who has recognized distinction in his or her field and who is on leave from another position outside the University and should not be used as a substitute for probationary contracts.

(b) Visiting professors should enjoy academic freedom and freedom from discrimination, should be covered by short and long-term disability insurance unless already covered elsewhere, and should receive salary and rank commensurate with qualifications and experience unless he or she is receiving equivalent salary or financial support from outside the university.

(c) Academic staff associations and unions should include visiting professors as members and should attempt to negotiate contractual provisions guaranteeing for them appropriate rights, benefits, and privileges, and should limit the use of such contracts either functionally or by number or both, and should normally limit the length of service as a visiting professor to a maximum of one calendar year. If an academic staff association or union decides to exclude visiting professors from the association or union it should negotiate a letter of understanding with legal force with the university limiting the use of visiting professorships either functionally (as described in section B.1.b.i) or by number or both and limiting the length of service.

## B.4

### Tenure quotas

The term "tenure quota" describes the practice of establishing *de facto* or *de jure* policies which have the effect of limiting the number or proportion of academic staff positions which are probationary leading to tenure or the number or proportion of academic staff members holding tenure in the university.

(a) The CAUT is opposed to all forms of tenure quotas in Canadian universities because it expects that in Canada tenure quotas would have the following effects:

(i) They would discriminate against academic staff by excluding from probationary or tenured appointments those with qualifications which would normally be judged to be of a standard to merit tenure or consideration for tenure.

(ii) They would discourage serious evaluation of the professional and academic qualifications of excluded academic staff. Quotas alter the function of the probationary period since it is implicit that a consideration of the quality of performance is not the only criterion for the contractual decision.

(iii) Tenure quotas undermine academic freedom and academic excellence. Untenured faculty in institutions with tenure quotas are either automatically terminated at the end of a given period, or are retained indefinitely in untenured positions. Such faculty are particularly vulnerable to infringement on their academic freedom, and to various forms of exploitation and coercion. Such faculty are denied the

reciprocal commitment between the individual and the institution that is fundamental to the pursuit of academic excellence.

(iv) Tenure quotas undermine the concept of tenure. Those who possess tenure should possess it by right of academic competence.

(b) Faculty associations or unions should include a clause in any collective agreement or academic staff handbook which ensures that the establishment of a proportion of tenured to non-tenured academic staff is a violation of the agreement.

## B.5

### Teaching staff without an obligation for research or scholarly activity

CAUT does not normally encourage the appointment of teaching staff without obligations for research or other scholarly activity. However, individuals may wish to accept appointments which do not require continuing scholarly or research activity and do not provide an opportunity for promotion through the ranks. Academic staff holding such appointments with, for example, the permanent rank of Instructor should be treated as regular members of the academic staff. They should receive regular salary increments and the usual economic fringe benefits, eligibility for tenure or continuing appointment and protection of academic freedom. The academic staff association or union should be prepared to negotiate equitable terms and conditions of appointment and salary ranges for such persons. Such appointments should not be used to substitute for existing probationary or tenured appointments.

## B.6

### Academic staff on eight or nine month contracts with responsibilities equivalent to those normally carried by full-time academic staff

Academic staff members should not be required to undertake full-time responsibilities on appointments of less than a year (for example, on contracts of eight or nine months duration). They should be treated as regular members of the academic staff and should be included as members in any academic staff association or union. The appointments of such academic staff should be converted by negotiation to one-year contracts. They should enjoy the same rights, privileges and benefits as full-time academic staff in the same manner as indicated for part-time faculty.

Persons enrolled in a department as graduate students who act as teaching assistants should not be included in this category though students who are fully responsible for the content and presentation of a course should be accorded full academic freedom in the presentation of the course. Academic staff associations and unions should negotiate a total fixed number for those in the teaching assistant category who are fully responsible for courses or should negotiate a percentage of the budget allocated to this category which can only be altered by negotiation, or should otherwise provide protection in this area.

1. See footnote to B.3 for visiting professors.  
2. The intention is to ensure that those on term appointments will not be continued in that position indefinitely and that if the post (as distinct from the incumbent) is continued beyond three years, it should be filled by a probationary, not a term, candidate.

3. Visiting professors are defined as academic staff members who take up an appointment of two years or less at a university while retaining a continuing appointment elsewhere.



## University of Guelph Director of Personnel

Reporting to Vice-President Administration, Director of Personnel is responsible for manpower planning, recruitment, training, employee relations, salary and pension benefit administration, and a Human Resources Information System. The Director will also be advisor to Vice-President Academic on matters of policy and procedures related to hiring, immigration, promotion and tenure, salary and leave administration. Candidate for this senior position will be experienced in one or more areas of personnel work; have strong management skills; be a generalist and have an interest in innovative and new developments in the personnel field. Applications accepted up to 27 October or when position is filled. Application, resume and names of references to:

Vice-President,  
Administration,  
University of Guelph,  
Guelph, Ontario  
N1G 2W1

### CAUT Model Clause: Academic Freedom

The common good of society depends upon the search for knowledge and its free exposition: Academic freedom in universities is essential to both these purposes in the teaching function of the university as well as in its scholarship and research. Academic staff shall not be hindered or impeded in any way by the university from exercising their legal rights as citizens, nor shall they suffer any penalties because of the exercise of such legal rights, nor shall they infringe or abridge the academic freedom of any academic staff member. Academic staff are entitled, regardless of prescribed doctrine, to freedom in carrying out research and in publishing the results thereof, freedom of teaching and of discussion, freedom to criticize the university and the faculty association, and freedom from institutional censorship. Academic freedom does not require neutrality on the part of the individual. Rather, academic freedom makes commitment possible. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

This is the correct version of this clause and is reproduced to replace an incorrect version which was printed in the September 1978 issue of the CAUT Bulletin.



# VACANCIES - POSTES VACANTS

## ADMINISTRATION

**UNIVERSITY OF ALBERTA. University Press. Director.** The University of Alberta Press is a small and fairly young operation (first book, 1971) but is growing in size and stature (ten titles published in the last two years, 12 more currently in production). The Director reports to the Vice-President (Academic) and is responsible for coordinating and monitoring all phases of manuscript review, editing and book production; ensuring efficient and economic operation of the Press; maintaining the international reputation of the Press. The Director works closely with the Executive Editor, and Editorial Assistant, a Business Consultant, a Design Consultant, and a nine-member Press Committee, which serves as a volunteer editorial board. The new Director will have wide experience in the publishing field, a commitment to the philosophy of scholarly publishing, capability of handling the business / financial aspects of the operation, familiarity with the academic scene, the ability to approach granting agencies and foundations for funding. Both men and women are invited to apply. The position begins on July 1, 1979. Salary dependent upon qualifications. Send nominations or applications, with curriculum vitae and names of referees, to the Chairperson of the Search Committee: Dr. Jean K. Lauber, Associate Vice-President (Academic), The University of Alberta, Room 3-2 University Hall, Edmonton, Alberta. T6G 2J9

**UNIVERSITY OF CALGARY. Faculty of Medicine. Division of Morphological Science.** Applications are invited for the position of Professor and Head, commencing January 1, 1979. Duties will include teaching in both undergraduate and graduate programmes. An active interest in research is essential. Salary according to qualifications and experience. Nominations and/or applications will be received by: Dr. L.E. McLeod, Dean, Faculty of Medicine, The University of Calgary, Calgary, Alberta. Canada. T2N 1N4.

**CONCORDIA UNIVERSITY. Community Nursing and Health Education Program.** Nurse Educator. Director of Community Nursing and Health Education Program and Chairman of the Curriculum Revision Committee. Qualifications: Minimum of M.Sc.N. preferably in Community Nursing with Curriculum Development. Doctoral Degree in Nursing given preference. Bilingual in French and English given preference. Experience: Hospital and Community nursing; University CEGEP or Community College teaching; committee work; curriculum development. Rank and salary dependent upon qualifications and experience. Starting date: Until position filled. Interested nurses should apply, sending curriculum vitae and names of three referees to: Dr. Maurice Cohen, Dean, Division III, Faculty of Arts and Science, Sir George Williams campus, Concordia University, 1455 de Maisonneuve Blvd. W., Montreal, Quebec. H3G 1M8.

**WESTMINSTER COLLEGE. Centre for Ethics and Human Values. Director.** Westminster College, in association with The University of Western Ontario, is establishing a new centre for research on ethics and problems affecting the quality of human life, institutions, and culture. The new centre will be interdisciplinary in character, and will focus upon ethical, social, legal, theological and philosophical dimensions of public policy, technology, and problems affecting the quality of human life and institutions. There will be collaboration with established and developing teaching programs in the University. The Director's responsibilities will include: active involvement in and leadership of the research activities of the centre, overall operation of the centre, preparation of budgets, grant proposals, and reports, recruitment and supervision of personnel. Teaching on a limited basis in one or more University programs may be arranged. The Director will participate in the planning of the centre's initial structure and make recommendations on suitable research directions to its governing board.

This is a senior academic and administrative position to be available on or before July 1, 1979. Initial and continuing funding for the centre has already been established. Nominations and applications for the position are invited and should include a curriculum vitae, list of publications, and names of three referees, and be addressed to: Mr. W. Lockwood Miller Chairman, Search Committee, Centre for Ethics and Human Values, Westminster College, London, Ontario. N6G 2M2.

## ACCOUNTING

**SAINT MARY'S UNIVERSITY. Accounting Department.** Applications are invited for faculty positions open in September 1, 1979. Graduate and undergraduate teaching and research. Rank and salary open. Doctorate or near completion required. Contact: Chairperson, Department of Accounting, Saint Mary's University, Halifax, Nova Scotia. B3H 3C3. Tel. (902) 422-7331.

## ANTHROPOLOGY

**SAINT MARY'S UNIVERSITY. Department of Anthropology.** One or two-year replacement position in archaeology (assistant professor). Ph.D. is preferred. Applications invited for 1979-80, 1980-81 or both. Should be prepared to teach World Prehistory, Method and Theory in Archaeology and one or more courses in area of specialization. Opportunity to teach summer field courses. Send vitae and names of references to Search Committee, Department of Anthropology, Saint Mary's University, Halifax, Nova Scotia, Canada. B3H 3C3. Materials must be received no later than January 15, 1979.

## ARCHITECTURE

**UNIVERSITY OF BRITISH COLUMBIA. School of Architecture.** Three faculty positions open at the assistant and associate professor level. Candidates for these positions should have professional work experience and teaching experience at the university level in one or more of the following areas: (1) structures, (2) urban design, (3) landscape architecture. The School has approximately 220 students and 18 faculty in a three-year Bachelor of Architecture program with approximately 18 students enrolled. The School is professionally recognized by The Royal Architectural Institute of Canada and accredited by The Commonwealth Association of Architects. Please send applications accompanied by supporting documentation and the names of three references to: Professor R.K. MacLeod, Director, School of Architecture, The University of British Columbia, 2075 Wesbrook Mall, Vancouver, B.C., Canada, V6T 1W5. Applications should be received by November 30, 1978.

## BIOLOGY

**UNIVERSITY OF OTTAWA. Department of Biology.** Post-Doctoral Positions: Three are available. 1) Microtubule self-assembly (Dr. D.L. Brown). 2) Molecular biology of lymphocytes activation: membranes and/or RNA - protein synthesis (Dr. J.G. Kaplan). 3) Microtubules - microfilaments in stimulated lymphocytes (Joint sponsorship of D.L. Brown and J.G. Kaplan). Applications including C.V. and the names and addresses of two referees to Dr. J.G. Kaplan, Department of Biology, University of Ottawa, Ottawa K1N 6N5 Canada.

## BUILDING STUDIES

**CONCORDIA UNIVERSITY. Centre for Building Studies.** Research Position - Building Systems. The Centre for Building Studies is seeking applications for a

## Laurentian University of Sudbury Vice-President academic

### Responsibilities

Senior academic administrative officer responsible to the President: 1) for development and co-ordination of teaching and research in all academic units within the University; 2) for implementation of short and long-term academic policies; 3) for co-ordination of academic services. Responsibility for all francophone affairs. Such other responsibilities as assigned by the President.

### Qualifications

Distinguished academic record in teaching and research. Senior academic administrative experience essential. Bilingual (French & English).

### Salary

Based on qualifications and experience.

### Appointment

1 July 1979. Five-year term.

### Application

Send curriculum vitae and names of three potential referees to:

**Dr. Henry B.M. Best, President  
Laurentian University,  
Sudbury, Ontario  
P3E 2C6**

## Université Laurentienne de Sudbury Vice-Recteur à l'enseignement et à la recherche

### Fonctions

Administrateur de niveau supérieur relevant du Recteur et chargé du développement et de la coordination de l'enseignement et de la recherche dans tous les départements de l'Université, de la mise en oeuvre des politiques universitaires à court et à long terme, et de la coordination des services universitaires. Responsabilité pour toutes les affaires francophones. Toutes autres fonctions attribuées par le Recteur ou le Sénat.

### Exigences

Excellent dossier universitaire en matière d'enseignement et de recherche. Expérience administrative au niveau de l'enseignement supérieur essentielle. Bilingue (français et anglais)

### Traitement

Selon les titres et l'expérience.

### Date d'entrée en fonctions

1 juillet 1979. Mandat de cinq ans.

Les intéressés sont priés d'adresser leur curriculum vitae, accompagnée des noms de trois répondants, à:

**M. Henry B.M. Best, Recteur,  
Université Laurentienne,  
Sudbury, Ontario.  
P3E 2C6**



research position in building systems, with emphasis on the performance of industrialized and panelized concrete systems subject to both static and dynamic loading. Applicants must have a Ph.D., a proven research record and should preferably have some experience in the experimental evaluation of building structural systems. Rank and salary associated with this position are negotiable, depending on qualifications. Rank ranges from research associate through research professor. This position is transferable to a full faculty position within 2-3 years, depending on performance. Resume and names of referees should be sent to: Dr. Paul Fazio, Director, Centre for Building Studies, Concordia University, 1455 de Maisonneuve Blvd. West, Montreal, Quebec, Canada. H3G 1M8.

**CONCORDIA UNIVERSITY. Centre for Building Studies.** Research Position - Building Materials. The Centre for Building Studies is currently seeking applications for a research position in the area of building materials. Qualifications for this position include a Ph.D. in materials science and chemistry, knowledge of plasticity, and interest in the behaviour of elastomeric compounds used as sealants in building construction and in the determinants of durability and deterioration of building materials. Rank and Salary are negotiable, depending on qualifications. Possible rank ranges from research associate to research professor. This position is transferable to a full faculty position within 2-3 years, depending on performance. Resume and names of referees should be sent to: Dr. Paul Fazio, Director, Centre for Building Studies, Concordia University, 1455 de Maisonneuve Blvd. West, Montreal, Quebec, Canada. H3G 1M8.

**CONCORDIA UNIVERSITY. Centre for Building Studies.** Research Position - Computer Aided Design. The Centre for Building Studies is seeking applications for a research position in computer aided building design, with emphasis on inter active graphics, data base management and use of mini-computers in building design. Applicants should have a Ph.D. in the area of computer applications as they relate to the engineering and/or architectural aspects of building design. Rank and salary associated with this position are negotiable, depending on qualifications. Rank ranges from research associate through research professor. This position is transferable to a full faculty position within 2-3 years, depending on performance. Resume and names of referees should be sent to: Dr. Paul Fazio, Director, Centre for Building Studies, Concordia University, 1455 de Maisonneuve Blvd. West, Montreal, Quebec, Canada. H3G 1M8.

## BUSINESS ADMINISTRATION AND COMMERCE

**UNIVERSITY OF NEW BRUNSWICK. School of Administration.** Applications are invited for the following undergraduate teaching positions: Accounting, Finance, Management-Organizational Behaviour, Marketing, and Policy. Qualifications required are Ph.D. or Ph.D. candidate. Duties involve undergraduate teaching and research. Rank and salary are based on the candidate's qualifications and experience. Appointments effective July 1, 1979 (possibly January 1, 1979). Direct inquiries to the Director, School of Administration, University of New Brunswick, Fredericton, New Brunswick, E3B 5A3.

**MCMASTER UNIVERSITY. Finance and Business Economics Area, Faculty of Business.** 1. Assistant Professor of Finance, but other ranks may be considered. 2. Doctorate or dissertation in progress. 3. Research and teaching at the graduate and undergraduate levels with interests in managerial finance, securities, income taxation; possibly in combination with business economics. 4. Open. 5. Dr. Eva Tihanyi, Acting Chairman, Finance and Business Economics Area, Faculty of Business, McMaster University, Hamilton, Ontario, L8S 4M4. 6. January or July, 1979. 7. When filled.

**McGILL UNIVERSITY. Business Administration.** 1. Assistant Professor and Beginning Associate Professor in such functional specialties as Accounting, Finance, Marketing, International Business, Policy, Systems and Computers, Management Science and Public Administration. 2. Ph.D. and interest in both teaching and in research. A past publication record essential for appointment at the

Associate Professor level. 3. Teaching at the B. Com. and MBA levels in Day and Evening programs of the McGill Faculty of Management. 4. Salaries competitive with those paid in comparable institutions. 5. Reply to Dr. Laurent Picard, Dean, Faculty of Management, McGill University, 1001 Sherbrooke St. W., Montreal, Quebec, H3A 1G5. Effective date of appointment - September 1, 1979 - Closing date to receive applications - December 15th, 1978.

**LAURENTIAN UNIVERSITY. Business Administration and Commerce.** The School of Commerce and Administration has positions available in Accounting, Finance, Quantitative Methods and Marketing. A Ph.D. is desired but not essential. Rank and salary will be based upon qualifications and experience. Preference will be given to bilingual candidates. Duties will commence January 1, 1979 or July 1, 1979 and will include the teaching of courses at the undergraduate and Graduate Diploma level. Letters of application should be sent to: Professor D.J. Hildrup, Director, School of Commerce and Administration, Laurentian University, Sudbury, Ontario. P3E 2C6.

**CONCORDIA UNIVERSITY. Faculty of Commerce and Administration.** Teaching positions in Accountancy. Full time teaching positions are available at all ranks commencing September, 1979. Courses are offered at the undergraduate, MBA and Ph.D. levels. A Ph.D. is desired but applicants with an MBA and a professional designation will be given serious consideration. Rank and salary are dependent upon professional and academic qualifications and experience. Resumes should be sent to: Frank L. Sbrocchi, Chairman, Department of Accountancy, Concordia University, Loyola Campus, 7141 Sherbrooke Street West, Montreal, Quebec. H4B 1R6.

**UNIVERSITY OF ALBERTA. Faculty of Business Administration and Commerce.** Applications are invited from individuals who would be interested in a visiting appointment in the Faculty of Commerce, University of Nairobi, Nairobi, Kenya. Successful candidate will assume a leadership and training role in developing an indigenous faculty and will hold a Ph.D. with extensive teaching and research experience. Teaching and research interests should be in the areas of Finance, Management Science or Organizational Behavior. Overseas experience would be an advantage. Remuneration will be at the level of current Canadian salary, plus overseas allowance, housing, education allowance, return transportation, shipment of personal effects and storage of goods left in Canada. Apply in writing to Dr. John L. Brown, Faculty of Business Administration and Commerce, University of Alberta, Edmonton, Alberta. T6G 2G1. The University of Alberta is an equal opportunity employer.

## CHEMISTRY PHYSICS

**UNIVERSITY OF TORONTO. Department of Chemistry.** St. George campus. Postdoctoral Fellowship available for research in photolysis and photoelectrolysis of water. Experience in at least one of the following fields in required: electrochemistry, semiconducting devices, thin film technology, photoconductivity. Salary up to \$990 per month. Applications with curriculum vitae and the names and addresses of three references should be sent as soon as possible to: Professor M.J. Dignam, Dept. of Chemistry, University of Toronto, Toronto, Ontario M5S 1A1, Canada.

**UNIVERSITY OF WESTERN ONTARIO. Department of Physics.** Post Doctoral Fellowships. Research Associateships. A limited number of appointments are expected to be available during the coming year. Research areas in the department include theoretical physics, atomic and molecular physics, laser and plasma physics and ionospheric and atmospheric studies. Applications should include a current curriculum vitae and the names of at least two referees, and should be sent to professor G.S. Rose, Acting Chairman, Department of Physics, The University of Western Ontario, London, Ontario Canada N6A 3K7.

**ROYAL ROADS MILITARY COLLEGE. Department of Chemistry and Chemical Oceanography.** Vacancy for a lecturer or assistant professor of chemistry. Undergraduate teaching. Research in general

# Memorial University Of Newfoundland RESEARCH ENGINEER

To conduct research in the general field of ocean engineering structures and specifically in probabilistic analysis of structure-fluid-soils interaction and sea ice mechanics. Candidate must have advanced knowledge of finite element methods and be experienced in writing and processing large scale computer programs including capacity to hybridise general purpose programs such as SAP-IV and NOW SAP. Qualifications: Ph.D. in engineering. Salary commensurate with qualifications and experience. The position is immediate and applicants with curriculum vitae and the names of three referees should be directed to:

**Dr. R.T. Dempster, Dean  
Faculty of Engineering and Applied Science  
Memorial University of Newfoundland  
St. John's, Newfoundland, A1B 3X5**

area of coastal marine science, possibly in trace metal analysis using a spectrophotometer or other methods. Ph.D. required with preference for inorganic chemistry with strong analytical background. Salary and rank commensurate with amount and quality of experience. Initial appointment will be for a term of two years commencing 1 September, 1979 with possible future renewals to tenure. Closing date for applications is 31 December, 1978. Complete Dossiers including names of referees to Dr. E.S. Graham, Principal, Royal Roads Military College, FMO Victoria, B.C. V0S 1B0.

**ROYAL ROADS MILITARY COLLEGE. Department of Physics and Physical Oceanography.** Applications are invited for positions in the Department of Physics and Physical Oceanography at Royal Roads Military College. Ph.D. required. Undergraduate teaching in Physics, and Physical Oceanography and Research in the general area of Coastal Marine Science. Successful candidate will be expected to join existing research teams investigating problems of remote sensing, bottom studies, water circulation and modeling studies, etc. Salary and rank commensurate with amount and quality of experience. Initial appointments will be for two years starting 1 September, 1979 with possible future renewals to tenure. Complete dossier with names of references to Dr. E.S. Graham, Principal, Royal Roads Military College, FMO Victoria, B.C. V0S 1B0 by 31 December, 1978.

**UNIVERSITY OF NEW BRUNSWICK. Department of Physics.** Saint John Campus, Division of Sciences. Applications are invited for the position of Assistant Professor of Physics, effective January 1, 1979, or earlier. Applicants should have a Ph.D. in Physics, and the successful candidate will be expected to teach at the undergraduate level and to participate actively in the department's program of research in low level environmental gamma spectrometry. Applications (with curriculum vitae) should be sent, as soon as possible, to: Dr. R.B. Kelly, Chairman, Division of Sciences, University of New Brunswick, P.O. Box 5050, Saint John, New Brunswick, Canada E2L 4L5. Applicants should arrange for three letters of reference to be sent directly to Dr. Kelly without delay.

**MEMORIAL UNIVERSITY OF NEWFOUNDLAND. Computer Science Group.** Faculty positions at the rank of Assistant or Associate Professor in Computer Science. Ph.D. in Computer Science required. Duties: Teaching at the undergraduate and graduate level, departmental responsibilities and research. Appointments to be made effective September 1, 1979 or earlier. Salary negotiable. Send vitae and names of three references to: Prof. J.M. Foltz, Acting Chairman, Computer Science Group, Room C-332B, Memorial University of Newfoundland, St. John's, Newfoundland, A1B 3X7 Canada.

## CLINICAL BIOCHEMISTRY

**UNIVERSITY OF TORONTO. Department of Clinical Biochemistry.** 1) Assistant Professor - Department of Clinical Biochemistry. 2) Ph.D. M.D. - expertise would be most valued in Clinical and Endocrinology, and Analytical Biochemistry - Demonstrating competence in research. Ability to function at a service level in a hospital department. 3) Required

to accept a major commitment to the Teaching Programmes of the Department which include undergraduate courses in Arts and Sciences as well as in Medicine and several Graduate and Postgraduate Programmes - the most important of which are those leading to professional Certification in Clinical Chemistry and Medical Biochemistry. 4) Salary commensurate with qualifications and experience. 5) Dr. D.M. Goldberg, Professor and Chairman, Department of Clinical Biochemistry, Banting Institute, 100 College Street, University of Toronto. - Including Curriculum Vitae and names of three referees with letter of application. 6) October 31/78 deadline for receipt of resumes. 7) January 1, 1979 starting date.

## DENTISTRY

**UNIVERSITY OF SASKATCHEWAN. College of Dentistry.** Applications are invited for a full-time position in Periodontics. Duties will include teaching and research. Salary and rank according to qualifications and experience. Postgraduate or graduate qualifications in Periodontics required. Letters of application and curriculum vitae should be sent to: Dr. E.R. Amrose, Dean, College of Dentistry, University of Saskatchewan, SASKATOON, Saskatchewan, Canada S7N 0W0. Closing date for applications is February 28, 1979.

**UNIVERSITY OF MANITOBA. Faculty of Dentistry.** Applications are invited for a position in the field of Operative Dentistry. Responsibilities include teaching undergraduates at both preclinical and clinical levels. Excellent opportunities and facilities are available for research interests. Rank and salary dependent upon teaching and clinical expertise. Credentials must be compatible with licensure requirements for the Province of Manitoba. For further information or for submission of applications, contact Dr. P.M. Jackin, Rehabilitative Dental Science Department, Faculty of Dentistry, University of Manitoba, 780 Bannatyne Ave., Winnipeg, Manitoba, R3E 0W3.

## ÉCONOMICS

**SAINT MARY'S UNIVERSITY. Economics Department.** Applications invited for faculty positions open in September, 1979. Graduate and undergraduate teaching and research. Rank and salary open. Doctorate or near completion required. Contact: Dr. Kenneth Chan, Chairman, Department of Economics, Saint Mary's University, Halifax, Nova Scotia B3H 3C3. Tel: (902) 422-7331.

**CARLETON UNIVERSITY. Department of Economics.** Applications are invited for a senior position from candidates with a distinguished teaching and research record. Preference will be given to candidates in the fields of urban and regional economics but outstanding applicants in all fields will be considered. Position is subject to budgetary approval. Applications should be made to Professor John Chant, Chairman, Department of Economics, Carleton University, Ottawa, Ontario.



**CARLETON UNIVERSITY. Department of Economics.** Applications from specialists in all fields of economics are invited for term and continuing appointments starting the 1979-80 academic year. These positions are subject to budgetary approval. Applications should be made to Professor John Chant, Chairman, Department of Economics, Carleton University, Ottawa, Ontario.

**UNIVERSITY OF CALGARY. Department of Economics.** Applications are invited for several positions in the Department of Economics in the areas of theory, quantitative methods, resource and regional economics. All other specialties will be considered. Salary and rank are open and competitive. Please send curriculum vitae and names of three referees to Dr. D.L. McLachlan, Professor and Head, Department of Economics, The University of Calgary, Calgary, Alberta, T2N 1N4.

**UNIVERSITY OF ALBERTA. Department of Economics.** One tenurable position available, commencing July 1, 1979. Rank is Assistant or Associate Professor, depending upon the applicant's qualifications and experience, and upon the availability of funds. Ph.D. is important. Position is open to the best candidate, but a strong background in micro-economic theory, resource economics and / or econometrics is preferred. Both men and women are invited to apply. Send applications (including complete curriculum vitae and names of three references) to: Dr. Brian L. Scarfe, Chairman, Department of Economics, University of Alberta, Edmonton, Alberta, T6G 2H4, by December 31, 1978.

## EDUCATION

**UNIVERSITY OF VICTORIA. Faculty of Education.** 1. Rank open. Instructor in Social Studies Education. 2. Doctoral degree or equivalent with relevant school and university experience. Competence in elementary social studies and secondary geography. Anthropology base would be helpful. 3. Teaching in undergraduate programmes; supervision of school experiences; curriculum development and other in-service activities; participation in graduate programme. 4. Dependent upon qualifications and experience. 5. Full curriculum vitae and names of three referees to Dr. R. Fowler, Chairman, Division of Social and Natural Sciences, University of Victoria, Victoria, B.C. V8W 2Y2. 6. July 1, 1979. 7. January 1, 1979. NOTE: This position was advertised during 1977/78.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: One year sessional or visiting appointment in Educational Administration. Qualifications: Doctoral degree in educational administration. Background in administration desirable. Duties: Teaching courses and developing programmes at the undergraduate and graduate levels, counselling and supervising graduate students. Field involvement will be expected. Salary: Dependent upon qualifications and experience. Apply to: Send full curriculum vitae and names of three referees to Dr. R.D. Armstrong, Chairman, Division of Communication and Social Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: September 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: One year sessional. Position in Physical Education. Qualifications: Preferably a doctoral degree in Physical Education with experience in public school teaching. Duties: Teaching courses in Physical Education in some or all of the following areas: Human Anatomy, Motor Development, Fitness and Conditioning, Elementary School Methods. Some supervision of school experiences may be required. Salary: Dependent upon qualifications and experience. Apply to: Full curriculum vitae and names of three referees to Dr. B.L. Howe, Chairman, Division of Physical Education, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: September 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: Rank open. Position in Special Education. Qualifications: Doctoral degree or equivalent with specific training and experience in either mental retardation or behaviour disorders. Duties:

To teach courses and develop programmes at the undergraduate and graduate levels. Preference will be given to candidates with public school experience. Salary: Dependent upon qualifications and experience. Apply to: Full curriculum vitae and names of three referees to Dr. D.J. Chabassol, Chairman, Division of Psychological Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: July 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: One year sessional, rank open. Position on Music Education. Qualifications: Doctoral degree preferred. Candidate should have experience and expertise in elementary music methods. Background in foundations and/or group keyboard instruction desirable. Duties: Teaching undergraduate courses in music education; supervising student teaching. Salary: Dependent upon qualifications and experience. Apply to: Full curriculum vitae and names of three referees to Dr. F.E. Churchley, Chairman, Division of Art and Music, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: September 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: Rank open. Qualifications: Doctoral degree or equivalent. Public school teaching experience is essential. Duties: Teaching undergraduate work in Measurement and Evaluation for student teachers specializing in Kindergarten and Primary Education plus teaching in a related area. Approximately half time will be spent in each. Salary: Dependent upon qualifications and experience. Apply to: Full curriculum vitae and names of three referees to Dr. R.D. Armstrong, Chairman, Division of Communication and Social Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: July 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: One year sessional appointment in Educational Psychology. Qualifications: Doctoral degree with emphasis in learning psychology. Duties: Teaching courses in introductory educational psychology. Salary dependent upon qualifications and experience. Apply to: Send full curriculum vitae and names of three referees to Dr. D.J. Chabassol, Chairman, Division of Psychological Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: September 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: Rank open. Position in Educational Media. Qualifications: Advanced degree in Educational Media. Public school experience. Duties: Teaching courses in educational media at the undergraduate level; supervising student teaching; and coordinating some technical services. Salary: Dependent upon qualifications and experience. Apply to: Send full curriculum vitae and names of three referees to Dr. R.D. Armstrong, Chairman, Division of Communication and Social Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: July 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: One year sessional or visiting appointment in Counselling. Qualifications: Applicant must have experience in school counselling, or in the training and preparation of school counsellors. Duties: Teaching undergraduate coursework in interpersonal skills, particularly, verbal communication. The appointee may, if qualified, be given the opportunity to teach some graduate coursework in school counselling. Salary: Dependent upon qualifications and experience. Apply to: Send full curriculum vitae and names of three referees to Dr. D.J. Chabassol, Chairman, Division of Psychological Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective date: September 1, 1979. Closing date: December 1, 1978.

**UNIVERSITY OF VICTORIA. Faculty of Education.** Position: Rank open. Position in Counselling. Qualifications: Applicant must have experience in school counselling, or in the training and preparation of school counsellors. An interest in vocational and career counselling is highly desirable. Applicants with a behavioral orientation

and who are familiar with the theory and practice of consultation are encouraged to apply. The successful applicant must be familiar with current research in the field and must be actively pursuing his/her own research interest. Duties: Teaching graduate and undergraduate counselling coursework, and possibly the supervision of counselling practica. Salary: Dependent upon qualifications and experience. Apply to: Send full curriculum vitae and names of three referees to Dr. D.J. Chabassol, Chairman, Division of Psychological Foundations, Faculty of Education, University of Victoria, P.O. Box 1700, Victoria, B.C. V8W 2Y2. Effective Date: July 1, 1979. Closing date: December 1, 1978.

## ENGINEERING

**UNIVERSITY OF WINDSOR. Department of Industrial Engineering.** Full time, tenure track faculty position in the Department of Industrial Engineering, University of Windsor is available. Candidate must have earned doctorate and at least one other degree in industrial engineering. Rank and salary dependent upon qualifications. Candidate must have major teaching and research interest in conventional industrial engineering areas. Industrial experience desirable. Please send resume with names of three referees to: A. Raouf, Head, Department of Industrial Engineering, University of Windsor, Windsor, Ontario, CANADA, N9B 3P4.

**UNIVERSITY OF WATERLOO. Electrical Engineering.** For the 1978-79 academic year applications are invited for post-doctoral fellowships, research associateships and visiting professorships in the following areas: circuits and computer-aided design; communications; systems and control; power engineering; solid state electronics; electromagnetic engineering; bioengineering and computer engineering. These appointments are for one or two year terms and are funded in full or in part from research grants and/or contracts. Subject to the availability of funds. Inquiries should be sent to Prof. I.F. Blake, Electrical Engineering Department, University of Waterloo, Waterloo, Ont. Canada, N2L 3G1. Effective date of appointment, Nov. 1, 1978. First consideration will be given to those applicants who at the time of application are legally eligible to work in Canada for the period covered by this position.

**UNIVERSITY OF WATERLOO. Department of Civil Engineering.** 1. Assistant Professor (other ranks may be considered). 2. Ph.D. — area of Soil Mechanics. Industrial and academic experience desirable. 3. Teaching and Research. 4. Dependent on qualifications. 5. R.C.G. Haas, Dept. of Civil Engineering University of Waterloo, Waterloo, Ontario, N2L 3G1. 6. When available, subject to budget approval. 7. First consideration will be given to those applicants who at the time of application are legally eligible to work in Canada for the period covered by this position.

**UNIVERSITY OF TORONTO. Faculty of Applied Science and Engineering.** The Faculty of Applied Science and Engineering invites applications for a new Chair of Energy Studies. The successful applicant will be an Engineer with impeccable credentials for an academic position, and with many years of experience in energy-related research, development or analysis. He will be expected to teach undergraduate and graduate courses and to do research in the areas of energy sources, technologies, distribution and demand. He will be expected to have (or to acquire) a broad overview of the Canadian energy scene. He will be expected to facilitate, coordinate and promote energy-related studies and researches in a number of departments. He will be appointed to the relevant departments of the Faculty and will chair an inter-departmental Committee on Energy Studies. The appointment in the University is tenurable, and that to the chair is initially for five years and is renewable. Salary to be negotiated. Effective date of appointment July 1, 1979 or sooner. Apply before November 1, 1978 to: Dean B. Etkin, Faculty of Applied Science and Engineering, University of Toronto, TORONTO, Ontario, Canada. M5S 1A4.

**UNIVERSITY OF REGINA. Engineering.** Assistant/ Associate Professor (Planning / Environmental Engineering) for teaching and research in urban and regional engineering. M.Sc. or Ph.D. and con-

siderable practical experience in land development and environmental impact analysis required. A curriculum vitae, together with the names of three referees should be sent to Dean of Engineering, University of Regina, Regina, Saskatchewan S4S 0A2.

**UNIVERSITY OF REGINA. Engineering.** Assistant or Visiting Professor or Special Lecturer in Digital Instrumentation or Computer Design and Production. A knowledge of manufacturing methods, economic analysis, and project planning is needed. It is expected the successful applicant will teach classes in Industrial Systems and take part in planning the Electronic Information Systems Program. A higher degree or equivalent experience is required. A curriculum vitae, together with the names of three referees should be sent to Dean of Engineering, University of Regina, Regina, Saskatchewan S4S 0A2.

**MCGILL UNIVERSITY. Department of Electrical Engineering.** A Research Associate is sought to join an established working group in the numerical analysis of electro-magnetic fields. The qualifications required include a Ph.D. or equivalent, in finite elements or similar methods applied to electromagnetics; some knowledge of computer graphics; and a good knowledge of at least one industrial application area of these methods. A good command of both French and English is highly desirable. The salary will be commensurate with qualifications and experience, but is not likely to be less than \$18000 annually. Applications, with curriculum vitae and names of three referees, should be sent to: Ms. P. Hyland, Department of Electrical Engineering, McGill University, 3480 University Street, Montreal H3A 2A7.

**UNIVERSITY OF CALGARY. Department of Mechanical Engineering.** Research Associate in Continuum (Solid) Mechanics. Application to include curriculum vitae and names of 3 referees. One year appointment with an open starting date. Apply to Dr. M. Epstein, Department of Mechanical Engineering, The University of Calgary, Calgary, Alberta, Canada T2N 1N4.

## ENGLISH

**UNIVERSITY OF OTTAWA. Department of English.** Four positions in English Literature, possible five, with special strengths in Eighteenth Century, Renaissance, Shakespeare, Critical theory, Romanticism, Victorian fiction, and possibly, Anglo-Irish literature. Candidates must have the Ph.D. and appropriate research and publications. They should normally be Canadians or have established Canadian experience. Three appointments will be at the rank of Associate or full Professor, two of these in the areas of Renaissance and Eighteenth Century. Otherwise rank and salary are open to negotiation according to experience and achievement. A junior appointment (Assistant Professor) is possible in one or more of the specified areas. For July 1, 1979. Department of English, University of Ottawa, Canada K1N 6N5. Deadline for full applications, with letters of reference, December 15, 1978.

## FINANCE AND MANAGEMENT

**SAINT MARY'S UNIVERSITY. Management Science/Quantitative Methods/ Computer Teaching Area.** Applications invited for faculty positions open in September, 1979. Graduate and undergraduate teaching and research. Rank and salary open. Doctorate or near completion required. Contact: Dr. Milton Chew, Chairman, Department of Finance and Management Science, Saint Mary's University, Halifax, Nova Scotia. B3H 3C3. Tel: (902) 422-7331.

**SAINT MARY'S UNIVERSITY. Finance Teaching Area.** Applications are invited for faculty positions open in September, 1979. Graduate and undergraduate teaching and research. Rank and salary open. Doctorate or near completion required. Contact: Dr. Milton Chew, Chairman, Department of Finance and Management Science, Saint Mary's University, Halifax, Nova Scotia, B3H 3C3. Tel: (902) 422-7331.



## FINE ARTS

**UNIVERSITY OF VICTORIA. Art History/History in Art.** The University of Victoria invites applications for a position, at the rank of Assistant or (preferably) Associate Professor, to round out the department of History in Art's offerings in North American studies. Applicant should have specialization in two or more of the following fields: North American indigenous arts (Indian, Inuit); Precolumbian arts; Latin American arts. For appointment at a senior level, a solid publication record is expected. For appointment at any level, doctorate is a prerequisite. Fluency in Spanish would be considered an asset. Applications will be received until November 30, 1978, for an appointment, effective July 1, 1979. Write Dr. Alan Gowans, Chairman, Department of History in Art, University of Victoria, P.O. Box 1700, Victoria, B.C., V8W 2Y2.

## FOOD SCIENCE

**UNIVERSITY OF SASKATCHEWAN. Department of Dairy and Food Science.** Applications are invited for the position of Assistant Professor in the field of Food Science. Position will be available as soon as filled, and duties will include teaching, research and public service in Food Chemistry and Processing. Excellent opportunity for research in Cereal Chemistry and Processing in conjunction with related government and private laboratories. A Ph.D. is preferred with salary being dependent on qualifications and experience. Applicants must provide a full curriculum vitae and names of three references by November 15, 1978 to Dr. E.S. Humbert, Head, Department of Dairy and Food Science, University of Saskatchewan, SASKATOON, Saskatchewan S7N 0W0.

**UNIVERSITY OF GUELPH. Department of Food Science.** Applications are invited for the position of Chairman of the Department of Food Science at the University of Guelph, effective May 1, 1979. The department is one of eleven administrative units in the Ontario Agricultural College and has close working relationships with these units. Within the department, there are currently eleven faculty members and a total staff of nine. The department is responsible for two undergraduate programs-Food Science and Dairy Science, with 125 students currently enrolled. In addition, there are 15 graduate students. The department is equipped with good research and teaching facilities as well as an excellent pilot plant. Applicants must have a Ph.D. in Food Science or a field related directly to Food Science, an established record of scholarly achievement and demonstrated administrative ability. The applicant must have an appreciation for the relationship between basic and applied Food Science and will be expected to work closely with the Food Industry. The closing date for applications is December 1, 1978. They should include a curriculum vitae and the names and addresses of three persons who can be contacted for reference and should be mailed to: Dr. A. Gordon Ball, Chairman of Selection Committee, Dean's Office, O.A.C., University of Guelph, Guelph, Ontario, Canada. N1G 2W1. Appointment is subject to final budgetary approval.

## FORESTERIE ET GEODESIE

**UNIVERSITÉ LAVAL. Faculté de Foresterie et de Géodésie.** Description du poste: Professeur en aménagement forestier dont les principales responsabilités seront de participer: à l'enseignement de l'aménagement forestier aux étudiants du premier cycle et à l'encadrement de ces étudiants; au développement de cours gradués pour les étudiants du deuxième et du troisième cycles dans le domaine de l'aménagement forestier; à la conduite de la recherche, à l'assistance des étudiants gradués et à la supervision de leur plan d'études dans le domaine de l'aménagement forestier; à des comités de l'unité pédagogique administrative, de la faculté de Foresterie et de Géodésie de l'Université Laval. Critères de sélection: Le candidat doit: posséder une formation de

base en sciences forestières (B. Sc. A. d'une université reconnue) et être spécialiste en aménagement forestier ou dans une discipline très connexe; démontrer un intérêt particulier en économique et en informatique; posséder des capacités des facilités de s'intégrer au département; manifester de l'intérêt pour les techniques d'aménagement pratiquées dans d'autres pays; pouvoir transmettre ses connaissances en français. À compétence équivalente, la préférence sera accordée au détenteur d'un diplôme de doctorat. Traitement: Selon la convention collective. Date limite pour l'inscription: Le 17 octobre 1978. Faire parvenir son curriculum vitae et toute information pertinente à: Monsieur Jacques Bélanger, directeur, Département d'aménagement et sylviculture, Faculté de Foresterie et de Géodésie, Université Laval, Québec, G1K 7P4. N.B. Toutes les candidatures seront traitées confidentiellement.

## HEALTH SCIENCES

**UNIVERSITY OF OTTAWA. School of Human Kinetics, Faculty of Health Sciences.** Applications will be considered from individuals possessing combinations of the following areas of concentration: Sport Sociology; Sport Psychology; Sport Administration; Adaptive, Rehabilitative and Sports Medicine; Research Design; Tests and Measurements; Developmental Movement. Ph.D. Required. University Experience Preferred. Anglophone and Francophone applications considered. Bilingualism preferred. Sport expertise an asset. Salary commensurate with credentials, 1978 min., Asst. \$17462., Assoc. \$22460. Dr. D. Layne, Administrator, School of Human Kinetics, 35 McDougall Lane, University of Ottawa, Ottawa, Ontario. K1N 6N5.

## LANGUAGES

**SIMON FRASER UNIVERSITY. French.** The Department of Languages, Literatures & Linguistics, Simon Fraser University (near Vancouver, B.C.) invites applications for the following position: Visiting appointment at the rank of Assistant Professor. Specialist in French literature with Doctorate and preferably background in Linguistics. To teach courses in French literature, French-Canadian literature and civilization courses. Salary negotiable. Position to begin January 1st - April 30th and / or May 1st - August 30th, 1979. Closing date for receipt of applications: preferably before October 31st, 1978. Curriculum vitae to be sent to Dr. Neville J. Lincoln, Chairman, Dept. of Languages, Literatures & Linguistics, Simon Fraser University, Burnaby, B.C. V5A 1S6.

## MANAGEMENT

**SAINT MARY'S UNIVERSITY. Management Department.** Applications invited for faculty positions open in September, 1979. Graduate and undergraduate teaching and research. Rank and salary open. Doctorate or near completion required. Contact: Chairperson, Department of Management, Saint Mary's University, Halifax, Nova Scotia. B3H 3C3. Tel: (902) 422-7331.

## MARKETING

**SAINT MARY'S UNIVERSITY. Marketing Department.** Applications are invited for faculty positions open in September, 1979. Graduate and undergraduate teaching and research. Rank and salary open. Doctorate or near completion required. Contact: Dr. V. Baydar, Chairman, Department of Marketing, Saint Mary's University, Halifax, Nova Scotia. B3H 3C3. Tel: (902) 422-7331.

**SAINT MARY'S UNIVERSITY. Marketing Department.** Applications are invited for the position of Chairman of the Department of Marketing for a three year (renewable) term beginning September, 1979. Graduate and undergraduate teaching and research. Rank and salary

open. Doctorate preferred. Contact: Dean Samuel H. Jopling, Chairman, Department of Marketing Chairman, Search Committee, Saint Mary's University, Halifax, Nova Scotia, B3H 3C3. Tel: (902) 422-7631.

## MATHEMATICS

**ROYAL ROADS MILITARY COLLEGE. Department of Mathematics.** Applications are invited for a position as Lecturer or Assistant Professor of Mathematics at Royal Roads Military College. Ph.D. required. Undergraduate teaching and research. Background and experience in numerical methods and control theory with some familiarity with computing is desired. Successful candidate will be expected to conduct research in applied mathematics in the general area of Coastal Marine Science, possibly on problems generated by other research establishment Pacific or the Institute of Ocean Sciences at Pat Bay. Salary and rank commensurate with amount and quality of experience. Initial appointment will be for two years with possible future renewals to tenure. Complete dossiers with names of references to Dr. E.S. Graham, Principal, Royal Roads Military College, Victoria, B.C. V0S 1B0 by 31 December, 1978.

## MEDICINE

**HOSPITAL FOR SICK CHILDREN. Paediatrics.** Title: Paediatric Infectious Diseases. Paediatrician, well trained in clinical infectious diseases sought for faculty position in Division of Infectious Diseases, The Hospital for Sick Children. Qualifications: Include certification in general paediatrics with special training in infectious diseases. Teaching ability essential. Clinical and basic research to be negotiated. Applicants should contact: Dr. David H. Carver, The Hospital for Sick Children, 555 University Avenue, Toronto, Ontario M5G 1X8. Rank: dependent on qualifications, experience and seniority. Effective date: as soon as possible (latest July 1, 1979).

**HOSPITAL FOR SICK CHILDREN. Paediatrics.** Title: Research position Virology. Asst./Assoc. Profs. Qualifications: Ph.D. or MD with background in basic animal virology research sought for full-time research position with faculty appointment at the University of Toronto and appointment as an investigator at the Research Institute at The Hospital for Sick Children. Successful candidate should have a good record for research productivity and be able to compete successfully for peer review grants. Salary: to be negotiated. Applicants should contact: Dr. David H. Carver, The Hospital for Sick Children, 555 University Avenue, Toronto, Ontario. M5G 1X8. Rank: dependent on qualifications, experience and seniority. Effective Date: as soon as possible (latest July 1, 1979).

**TORONTO WESTERN HOSPITAL. Microbiology.** Ph.D. Microbiologist. Junior university position. With training, research experience and interest in pathogenic microorganisms and defense mechanisms of infections. Duties include participation in teaching of undergraduates and graduates in medicine, research on pathogenic mechanisms and defense. Participation in research and development of clinical microbiological methods and in the infectious disease team. Large university teaching hospital with fully equipped diagnostic and research laboratories. University Rank - Assistant Professor, full time. Effective date - January 1, 1979 or earlier. Enquiries to: Dr. S. Vas, Microbiologist in Chief, Toronto Western Hospital, 399 Bathurst Street, Toronto. Please enclose C.V. with letter of application.

**TORONTO WESTERN HOSPITAL. Neuroscience and Anatomy.** Assistant Professor. Playfair Neuroscience Research Unit and the Anatomy Department of the University of Toronto invite applications for a faculty position in the field of Neuromorphology. Research interest in the functional morphology of identified central nerve cells preferred, particularly in mammalian motor systems. The appointee

will be required to maintain an independent research program within a multidisciplinary neuroscience research unit, train postgraduate students and participate in limited undergraduate teaching. Candidates should hold a doctoral degree (M.D., or Ph.D.), have postdoctoral training and have shown the excellence and originality in research expected of a potential leader in his or her field. Salary dependent on qualifications. Position available after March 1, 1979; applications close December 31, 1978. Applicants should send a curriculum vitae including bibliography, a summary of research plans and the names and addresses of three references, to: Chairman, Neuroscience Search Committee; University of Toronto, The Toronto Western Hospital, 399 Bathurst Street, 9 North Pavilion - Rm. 903, TORONTO, ONTARIO, M5T 2S8.

**TORONTO WESTERN HOSPITAL. Neuroscience and Physiology.** Assistant Professor. Playfair Neuroscience Research Unit and the Physiology Department of the University of Toronto invite applications for a faculty position in the field of Neurophysiology. Research interest in the central control of eye and head movements preferred. The appointee will be required to maintain an independent research program within a multidisciplinary neuroscience research unit, train postgraduate students and participate in limited undergraduate teaching. Candidates should hold a doctoral degree (M.D. or Ph.D.), have postdoctoral training and have shown the excellence and originality in research expected of a potential leader in his or her field. Salary dependent on qualifications. Position available after March 1, 1979; applications close December 31, 1978. Applicants should send a curriculum vitae including bibliography, a summary of research plans and the names and addresses of three references, to: Chairman, Neuroscience Search Committee; University of Toronto, The Toronto Western Hospital, 399 Bathurst Street, 9 North Pavilion - Rm. 903, TORONTO, ONTARIO. M5T 2S8.

**TORONTO WESTERN HOSPITAL. Neuroscience and Pharmacology.** Assistant Professor. Playfair Neuroscience Research Unit and Pharmacology Department of the University of Toronto invite applications for a faculty position in the field of Pharmacology. Research interest in mammalian central synaptic transmission preferred. The appointee will be required to maintain an independent research program within a multidisciplinary neuroscience research unit, train postgraduate students and participate in limited undergraduate teaching. Candidates should hold a doctoral degree (M.D. or Ph.D.), have postdoctoral training and have shown the excellence and originality in research expected of a potential leader in his or her field. Salary dependent on qualifications. Position available after March 1, 1979; applications close December 31, 1978. Applicants should send a curriculum vitae including bibliography, a summary of research plans and the names and addresses of three references, to: Chairman, Neuroscience Search Committee; University of Toronto, The Toronto Western Hospital, 399 Bathurst Street, 9 North Pavilion - Rm. 903, TORONTO, ONTARIO. M5T 2S8.

**QUEEN'S UNIVERSITY. Department of Ophthalmology.** A geographic full-time appointment is available to an individual with experience and recent training in retinal and vitreous surgery and retinal diseases. Responsibilities in these areas will include patient care, teaching and research. The position will be available January 1, 1979. Please contact: Dr. R.M.H. Pinkerton, Department of Ophthalmology, Queen's University, Kingston, Ontario. K7L 3N6.

**MEMORIAL UNIVERSITY OF NEWFOUNDLAND. Faculty of Medicine.** Pre and post doctoral positions are available for studies on the protein synthesizing system with special emphasis on ribosomes - topography, biogenesis and function - under various conditions of growth and development. Teaching opportunities available. Reply with resume to: Professor Bruce H. Sells, Laboratories of Molecular Biology, Faculty of Medicine,



<p>Health Sciences Complex, Memorial University of Newfoundland.</p> <p><b>UNIVERSITY OF CALGARY. Faculty of Medicine.</b> The University of Calgary, Calgary, Alberta, invites applications for the following positions: (a) a paediatrician with expertise in the sub-specialty of infectious diseases and, (b) a paediatric endocrinologist. Candidates should have research interests, and have had considerable experience as established investigators. Applications, including an up-to-date curriculum vitae, should be forwarded to: Dr. R.H. Haslam, Professor and Head, Division of Paediatrics, Faculty of Medicine, The University of Calgary, CALGARY, Alberta T2N 1N4.</p>	<p>and names of three referees to: Dr. B.J. McConville, Professor, and Chairman, Division of Child Psychiatry, Department of Psychiatry, Queen's University, Kingston, Ontario K1E 3K1. Applications close October 31, 1978.</p> <p><b>UNIVERSITY OF ALBERTA. Department of Psychiatry.</b> Applications are invited for appointments in the Department of Psychiatry at the University of Alberta in Edmonton. Successful candidates will have a proven academic background and will be expected to contribute to the research and teaching of the department as well as run a small in-patient unit. The appointments will be full-time geographic at Assistant or Associate Professor level commensurate with qualifications and experience. The university is an equal opportunity employer. Further details may be obtained from: Dr. W.G. Dewhurst, Professor and Chairman, Search and Selection Committee in Psychiatry, The Faculty of Medicine, The University of Alberta, Edmonton, Alberta T6G 2G3. Telephone: (403) 432-6503.</p>	<p>Interdisciplinary view to graduate and undergraduate instruction and continued involvement and participation in professional organizations with a demonstrated competence and commitment to scholarship. 4. Assistant professor (minimum \$17500.) Associate professor (minimum \$22700.) Salary commensurate with qualifications and experience. 5. Dr. David Ng, Chairman, Department of Recreation, University of Waterloo, Waterloo, Ontario N2L 3G1. 6. January 1, 1979. Subject to the availability of funds. 7. Until position filled. First consideration will be given to those applicants who at the time of application are legally eligible to work in Canada for the period covered by this position.</p>	<p><b>ZOOLOGY</b></p> <p><b>UNIVERSITY OF GUELPH. Department of Zoology.</b> 1. Research Associate / Visiting Scientist. 2. Preferably Ph.D. with considerable research experience in insect physiology (energetics, metabolic adaptation and regulation) with knowledge of histological, histochemical and biochemical techniques. 3. To collaborate in a joint research project on utilisation of energy reserves and neuro-endocrine regulation in insects. 4. \$600 per month for a period of one year or more depending on availability of funds. 5. Dr. R.G. Downer, Department of Biology, University of Waterloo, Waterloo, Ontario N2L 3G1 or Dr. J.C. George, Department of Zoology, University of Guelph, Guelph, Ontario N1G 2W1, Canada. 6. November 15, 1978. 7. October 31, 1978.</p>
<p><b>NURSING</b></p>	<p><b>PSYCHOLOGY</b></p>	<p><b>RELIGIOUS STUDIES</b></p>	<p><b>LATE ADS</b></p>
<p><b>DALHOUSIE UNIVERSITY. School of Nursing.</b> Post of Coordinator of the Basic Degree Program for the academic session beginning July, 1979. Nurses applying for this post should have a Master's or Doctoral degree with appropriate experience in program planning, curriculum development and teaching. Rank and salary will be dependent upon academic qualifications and experience. Applications with a Curriculum Vitae and three referees should be sent to Dr. Margaret Scott Wright, School of Nursing, Dalhousie University, Halifax, Nova Scotia, B3H 4H7.</p>	<p><b>UNIVERSITY OF WESTERN ONTARIO. Department of Psychology.</b> A number of replacement positions, probably at the Assistant Professor (Ph.D. must be complete) level. Subject to budgetary approval, appointments will be made in the general area of Applied Psychology, including specialization in child clinical, educational / counselling, forensic, health, psychopathology, and/or industrial psychology, and in developmental. Candidates with demonstrated scholarly capability and good teaching are required. Duties include undergraduate and graduate instruction, significant research performance, and some administrative responsibilities. Appointments commence July 1, 1979. Contact W.J. McClelland, Professor and Chairman, Department of Psychology, University of Western Ontario, London, Ontario, Canada. N6A 5C2.</p>	<p><b>UNIVERSITY OF TORONTO. Department of Religious Studies.</b> Tenure stream position at the Associate Professor rank in East Asian Religions. Applicants must have a Ph.D. or equivalent, with primary competence in Chinese religion and culture and secondary competence in the comparative study of religion. Applicants should also have experience with undergraduate teaching and graduate supervision as well as facility in the use of Chinese and English languages. Salary will be in the lower range of the Associate rank, commensurate with qualifications and experience. Appointment will commence July 1, 1979. Closing date for application will be October 13, 1978. Applications, with detailed curriculum vitae and the names of three referees, may be sent to Professor L.J. Elmer, Chairman, Department of Religious Studies, University of Toronto, 110 Charles St. W., Toronto, Ontario, M5S 1A1.</p>	<p><b>UNIVERSITY OF WESTERN ONTARIO. Department of Medicine.</b> Applications are invited for the position of Professional Assistant to work with a group investigating the mechanism and specificity of heavy metal (iron, cobalt, manganese cadmium, lead, zinc) transport in the intestine, effective first November, 1978. Salary up to \$15,000. A university graduate (preferably Ph.D.) with experience in membrane transport or intestinal absorption is required. Write to Dr. P.R. Flanagan, Department of Medicine, University of Western Ontario, Room 5-0F18, University Hospital, London, Ontario N6A 5A5.</p>
<p><b>NUTRITION</b></p>	<p><b>MEMORIAL UNIVERSITY OF NEWFOUNDLAND. Department of Psychology.</b> Psychological researcher in neuroscience to teach graduate and undergraduate courses in physiological psychology. Rank open. Salary in accordance with rank and qualifications. Starting date is 1 September, 1979. Apply to Dr. G.R. Skanes, Head, Department of Psychology, Memorial University of Newfoundland, St. John's, Newfoundland, Canada, A1B 3X9. Position subject to availability of funds.</p>	<p><b>SCIENCE POLITIQUE</b></p>	<p><b>UNIVERSITY OF ALBERTA. Department of Drama.</b> The Department of Drama at the University of Alberta is seeking an outstanding artist / teacher of Design at the Associate Professor level to lead a professional training program on the undergraduate and graduate level. Considerable professional design experience is highly desirable. M.F.A. in Design or equivalent necessary although recognition will be given to professional training and experience in lieu of academic credits. Depth in scenery and costume design with strength in lighting is also desirable. This position requires leadership of an already respected program offering the B.F.A. and M.F.A. degree. An excellent salary and a generous removal allowance are provided to insure the quality of the person selected. Applicants should address experience and materials to: James H. McTeague, Chairman, Department of Drama, University of Alberta, Edmonton, Alberta, Canada. T6G 2C9 and include: 1. Curriculum Vitae. 2. Vital statistics. 3. At least three letters of reference. 4. Portfolio of visual materials: preferably slides. Both men and women are encouraged to apply.</p>
<p><b>UNIVERSITY OF GUELPH. Department of Nutrition. College of Biological Science.</b> Applications are invited for the position of Assistant Professor of Nutrition. Applicants should have a strong background in experimental nutrition with training in biochemistry and physiology, and be prepared to undertake research on mycotoxins in feeds with special reference to swine nutrition. Salary is commensurate with qualifications and experience. Position subject to final budgetary approval. Send applications, including curriculum vitae and the names of three referees to H.H. Draper, Chairman, Department of Nutrition, University of Guelph, Guelph, Ontario N1G 2W1.</p>	<p><b>MEMORIAL UNIVERSITY OF NEWFOUNDLAND. Department of Psychology.</b> Animal learning psychologist, rank open. Must be able to teach introductory course in Drugs and Behaviour. Research interest to dovetail with present faculty. Salary in accordance with rank and qualifications. Starting date is 1 January, 1979, if possible. Apply to Dr. G.R. Skanes, Head, Department of Psychology, Memorial University of Newfoundland, St. John's, Newfoundland, Canada, A1B 3X9. Position subject to availability of funds.</p>	<p><b>UNIVERSITE D'OTTAWA. Département de science politique.</b> Le département de science politique a présentement deux postes réguliers disponibles dans le domaine de la Théorie Politique et Analyse des Idéologies. Un des candidats doit posséder une orientation en analyse générale des idéologies et en épistémologie. Le deuxième candidat doit être un spécialiste en pensée politique. Les candidats avec le diplôme du Doctorat auront la préférence. Une expérience pertinente dans les domaines de la recherche et de l'enseignement serait avantageuse. Les postes seront remplis le 1er juillet, 1979. Le rang et le salaire sont ouverts. Les candidatures, avec curriculum vitae et les noms de deux répondants, devraient être soumises à : Professeur William Badour, Département de science politique, Université d'Ottawa, 550 Cumberland, Ottawa, Ontario. K1N 6N5.</p>	<p><b>UNIVERSITY OF OTTAWA. Linguistics.</b> Possible opening for assistant or associate professor of Linguistics, depending on budgetary situation. Ph.D. essential, with specialization in French syntax and semantics, plus current linguistics theory. Candidates must be fluently bilingual in French and English. Appointment begins July 1, 1979. Applications accepted until Nov. 15, 1978. Send files to D.C. Walker, Chairman, Linguistics, University of Ottawa, Ottawa K1N 6N5.</p>
<p><b>PSYCHIATRY</b></p>	<p><b>MCMASTER UNIVERSITY. Department of Psychology.</b> Applications are invited initially for a two-year contractual appointment at the Assistant Professor level commencing July 1 or September 1, 1979. Salary dependent on qualifications; minimum for Assistant Professor is \$17,000 in 1978-79. Outstanding applicants in any experimental specialty will be considered, but emphasis is being placed on psychopathology; neuropsychology; developmental, cognitive and social psychology. Applicants should be prepared to teach undergraduate courses in the general areas of abnormal psychology or tests and measurement, and initiate an independent research program. Preference will be given to applicants who are eligible for employment in Canada at the time of application. Send vita, reference letters and reprints to: Search Committee, Department of Psychology, McMaster University, Hamilton, Ontario, Canada L8S 4K1.</p>	<p><b>SOCIAL WORK</b></p>	<p><b>UNIVERSITY OF BRITISH COLUMBIA. Department of Zoology.</b> Applications are invited for the position of Assistant Professor in the Department of Zoology, University of British Columbia. Qualifications include a Ph.D. in Biology or a related field, with a demonstrated ability to teach introductory biometrics. The successful applicant will be expected to develop a strong experimental research programme. Upper level undergraduate teaching, and graduate student teaching and supervision is required. Salary will be commensurate with experience and duties. Curriculum vitae and the names of 3 referees should be submitted to Dr. G.G.E. Scudder, Head, Department of Zoology, University of British Columbia, 2075 Westbrook Mall, Vancouver, B.C. V6T 1W5, Canada. The expected date of appointment is July 1, 1979, subject to budgetary approval. Closing date for application is when position is filled.</p>
<p><b>QUEEN'S UNIVERSITY. Department of Psychiatry.</b> Beechgrove Regional Children's Centre, Kingston. A geographical full time position is available at the level of Associate Professor/Professor depending upon qualifications and experience. Fellowship in the Royal College of Physicians (Canada) in psychiatry or equivalent is necessary. The academic position is associated with the teaching and research program of the Department, principally in the Division of Child Psychiatry. The clinical appointment will be as Assistant Clinic Director in charge of Children's Services in the Beechgrove Regional Children's Centre. Adequate training and considerable clinical experience in Child Psychiatry is essential, as well as research interest and experience. Please forward application together with curriculum vitae and names of three referees to: Dr. B.J. McConville, Professor, and Chairman, Division of Child Psychiatry, Department of Psychiatry, Queen's University, Kingston, Ontario K7L 3K1. Applications close October 31, 1978.</p>	<p><b>UNIVERSITY OF WATERLOO. Department of Recreation.</b> 1. Assistant or Associate Professor in Outdoor Recreation / Management. 2. Earned doctorate or its near completion in Outdoor Recreation / Management or related discipline. 3. Ability to successfully supervise student theses and honors projects with a broad</p>	<p><b>CARLETON UNIVERSITY. School of Social Work.</b> Position available in the Master's program in the Direct Practice concentration. The position involves teaching, research and field work supervision. Doctorate or equivalent will be given preference. Salary and rank negotiable according to qualifications and experience. Enquiries should be sent to: The Director, School of Social Work, Carleton University, Ottawa, Ontario, K1S 5B6.</p>	
<p><b>QUEEN'S UNIVERSITY. Department of Psychiatry.</b> Beechgrove Regional Children's Centre, Kingston. A geographical full-time faculty position is available at the level of Lecturer / Assistant Professor, depending upon qualifications and experience. Fellowship in the Royal College of Physicians (Canada) in psychiatry or the equivalent is necessary. The academic position is associated with the teaching and research program of the Department, principally in the Division of Child Psychiatry. The clinical appointment is in the Adolescent Service of Beechgrove Regional Children's Centre. Adequate training and clinical experience in psychiatry, especially in adolescent psychotherapy is desirable. Please forward application together with curriculum vitae</p>		<p><b>MEMORIAL UNIVERSITY OF NEWFOUNDLAND. School of Social Work.</b> The faculty of the Memorial University of Newfoundland School of Social Work invites applications for teaching positions in the BSW and MSW programs. The BSW program focuses on the education of rural social work generalists while the MSW program offers specialized education to a limited number of students. Applicants with completed doctoral degrees in Social Work and those with MSWs plus extensive practice and training experience are being sought. Salaries are competitive and commensurate with experience. Positions are available Jan. 1 and June 1, 1979. Further information may be obtained by writing to the Director, School of Social Work, Memorial University of Newfoundland, St. John's, Nfld., A1B 3X8.</p>	



# ECONOMIC BENEFITS. BENEFICES ECONOMIQUES

## Congé sabbatique et impôt sur le revenu

Le professeur qui songe à prendre un congé sabbatique devrait réfléchir un peu à ses conséquences fiscales. Il y aurait peut-être d'abord la question des effets du statut du résident et de celui de non-résident. La loi de l'impôt sur le revenu ne définit pas ce qu'est la résidence et la détermination de la résidence doit donc se fonder sur les conditions particulières à chaque cas.

Les critères retenus par Revenu Canada (Impôt) sont expliqués dans le Bulletin d'interprétation IT-221 du 26 mai 1975 — "Détermination de la résidence dans le cas de particuliers quittant le Canada". Règle générale, le professeur qui s'absente du Canada en congé sabbatique ou autre est réputé être un non-résident aux fins de l'impôt sur le revenu moyennant les conditions suivantes:

- (a) s'il est absent du Canada durant six mois au moins, et
- (b) s'il est accompagné de son conjoint et des enfants à leur charge, et
- (c) s'il ne garde pas un logement disponible pour réoccupation immédiate durant son séjour à l'étranger. Ainsi, par exemple, le logement dont il est propriétaire doit être loué sans droit d'annulation du bail avant la fin de son absence envisagée.

D'autre part, si le professeur loue sa résidence avec droit d'annulation à court ou sans délai, il est normalement considéré comme résident constant du Canada aux fins de l'impôt sur le revenu. Il semble, d'après ce qui précède, que le professeur peut influencer sur son statut résidentiel ou même le déterminer en adoptant les dispositions locatives appropriées à l'égard de son logement. S'il répond aux conditions (a) et (b) ci-dessus, le professeur qui loue son logement en vertu d'un bail irrévocable est réputé être un non-résident tandis qu'il demeure résident du Canada s'il le loue en vertu d'un bail résiliable.

De même, l'occupant d'un appartement qui met fin à son bail ou qui sous-loue irrévocablement son appartement pour la durée de son absence sera vraisemblablement réputé être un non-résident tandis que celui qui le sous-loue avec droit de résiliation sur préavis demeurera normalement un résident du Canada aux yeux du fisc.

### Statut de résident

Si le professeur en congé sabbatique demeure un résident du Canada aux fins de l'impôt durant son absence, il paye l'impôt canadien sur son revenu mondial exactement comme s'il n'avait jamais quitté le pays. S'il est obligé de payer un impôt sur le revenu dans un pays étranger, il peut déduire de son impôt sur le revenu canadien à payer un des crédits à l'égard d'une partie ou de la totalité de ces impôts étrangers.

### Statut de non-résident

Le professeur en congé sabbatique non-résident n'est pas assujéti à l'impôt sur le revenu du Canada sur le revenu provenant de sources étrangères. Ainsi, par exemple, le professeur non-résident qui effectue des recherches au Royaume-Uni en vertu d'une subvention d'une fon-

## Congé sabbatique et impôt sur le revenu

par W. Charles Hebdon

dation américaine doit compter la subvention dans son revenu si elle lui est versée par l'intermédiaire d'une université canadienne; la subvention n'est pas imposée, pour ce qui est du Canada, si les fonds lui sont remis directement par le subventionnaire. Cependant, le subventionné peut avoir à envisager la possibilité que sa subvention sera peut-être taxée par les États-Unis ou le Royaume-Uni.

Le revenu de placement canadien des non-résidents est généralement imposé sous la forme d'une retenue à la source qui peut aller de zéro à 25%; dans le cas des résidents, ce revenu est imposé à leur taux marginal qui est probablement un peu supérieur.

Le professeur en congé sabbatique qui demeure résident du Canada et qui loue son logement durant son absence doit ajouter son revenu locatif net à son revenu mondial et payer impôt sur le tout à son taux marginal. S'il est admissible au statut de non-résident, il dispose de certaines méthodes facultatives pour ce qui est de payer l'impôt sur le revenu sur son revenu locatif, méthodes qui sont susceptibles de se traduire par un impôt moindre que celui qu'il paierait comme résident.

Sous le régime actuel, il ne se produit pas de gains de capital imposables durant la location temporaire d'un logement qui était la résidence principale du contribuable, peu importe que ce dernier demeure un résident ou devienne un non-résident. L'article 15 du bill C-56 apporte une modification qui, si elle est adoptée, rendra peut-être les non-résidents assujettis à l'impôt sur les gains de capital quant à l'augmentation de valeur de leur logement durant la location.

En conclusion, le seul avantage important du statut de non-résident est, semble-t-il, d'éviter l'impôt canadien sur les fonds reçus par le non-résident de sources étrangères. Un avantage moins important consisterait peut-être dans l'imposition moins lourde du revenu de placement et locatif canadien des non-résidents.

### Frais de recherches

Les professeurs en congé sabbatique peuvent organiser leurs affaires d'une manière permettant d'éviter le paiement d'impôt sur le revenu sur les frais de recherches. Le professeur qui prend un congé sabbatique afin d'effectuer des recherches ne peut déduire ses frais de recherches de son salaire sabbatique, mais il peut déduire les dépenses admissibles d'une subvention de recherches. Revenu Canada (Impôt) a approuvé le paiement de subventions de recherches

à la place d'un salaire et les universités canadiennes vont collaborer à cet égard à la demande du personnel enseignant.

Les professeurs qui sont aidés dans leurs recherches sous la forme d'une bourse de perfectionnement ou de recherche feraient bien de voir à leurs intérêts en matière d'impôt sur le revenu.

Une bourse de recherches doctorales du Conseil des Arts du Canada est traitée comme une bourse de recherches aux fins de l'impôt, ce qui fait qu'elle n'est admissible qu'à la déduction uniforme de \$500, peu importe le montant des frais de recherches supportés. (Loi fédérale de l'impôt sur le revenu, alinéa 56 (1) (n); Loi de l'impôt sur le revenu du Québec, alinéa 287 (g).)

Une bourse de congé de recherches du Conseil des Arts du Canada, par contre, peut se traiter comme une subvention de recherches si le bénéficiaire demande et reçoit une lettre du Conseil confirmant que la subvention a été accordée pour lui permettre d'effectuer des recherches. Le contribuable peut alors déduire les frais mêmes des recherches plutôt que le montant statutaire de \$500. (Loi fédérale de l'impôt sur le revenu, alinéa 56 (1) (o); Loi de l'impôt sur le revenu du Québec, alinéa 287 (h).)

En d'autres termes, c'est le but plutôt que le nom ou le titre de la subvention qui détermine s'il est possible de déduire \$500 ou bien les frais mêmes des recherches. Il faut signaler, cependant, que la pratique de cotisation actuelle des bourses de recherches et des subventions de recherches n'est pas uniforme dans tous les bureaux de district de l'impôt. Nous essayons depuis plus de six ans de faire disparaître ces incohérences en négociant directement avec Revenu Canada, mais nous n'y avons pas pleinement réussi.

À cause de l'incertitude actuelle touchant le classement et l'imposition des subventions de recherches, nous suggérons de procéder comme suit:

- (a) Le professeur qui reçoit une bourse de recherches de quelque nature devrait déclarer comme revenu seulement ce qui dépasse \$500. Si des parties de la bourse sont effectivement reçues en deux années d'imposition différentes, la déduction de \$500 s'applique en chacune des deux années et pourrait valoir une déduction globale de \$1,000.
- (b) En outre, si le professeur entend s'occuper de recherches, il devrait demander à son employeur une subvention de recherches à la place

d'un salaire et d'un montant suffisant pour couvrir toutes les dépenses prévues des recherches. (Voir Bulletin d'interprétation, IT-75R, par. 18.) La déduction des dépenses peut se reporter à l'année suivante ou à l'année antérieure aux fins de l'impôt si l'année des dépenses ne correspond pas à celle de la réception des fonds. Les dépenses supportées l'année antérieure à la réception de la subvention et avant notification de l'octroi de la subvention ne peuvent se déduire de la subvention. (Voir Bulletin d'interprétation IT-75R, par 26).

Le résultat de cette procédure consistera dans une déduction de \$500 (ou de \$1,000) du montant de la bourse de recherches ainsi que dans celle de toutes les dépenses de recherches admissibles de la subvention de recherches.

### Dépenses de recherches admissibles

La position de Revenu Canada touchant les dépenses de recherches est la suivante:

"Les frais de déplacement, y compris toutes les sommes versées pour les repas et le logement, engagés par le contribuable pendant qu'il vivait hors de chez lui occupé à poursuivre des travaux, sont des dépenses admises. Lorsqu'un contribuable réside temporairement en un endroit autre que sa demeure pendant qu'il est occupé à poursuivre des travaux de recherche, on estime qu'il séjourne à cet endroit et non pas qu'il y voyage. Par conséquent, les sommes versées pour les repas et le logement pendant qu'il réside temporairement à un endroit sont des frais personnels et de subsistance plutôt que des frais de déplacement, et ne sont pas déductibles. Un contribuable qui est dans cette situation a le droit de réclamer la déduction de ses propres frais de déplacement

- (a) entre sa demeure et l'endroit où il réside temporairement pendant qu'il poursuit ses travaux de recherche,
- (b) du lieu de travail temporaire à un autre, et
- (c) à l'égard de voyages d'étude relatifs à son travail. Le contribuable ne peut réclamer les frais de déplacement de son conjoint et de ses enfants." (Bulletin d'interprétation IT-75R, par. 25).

La politique énoncée ci-dessus est loin d'être par tout appliquée par Revenu Canada. Selon l'expérience de nos membres, l'admission en déduction des frais de recherches varie d'un bureau de district de l'impôt à l'autre et selon le cotiseur et le fonctionnaire préposé aux appels au sein du même bureau de district.

Le contribuable devrait déduire tous les frais engagés pour se rendre au lieu de ses recherches et en revenir, y compris transport, repas et logement. Comme il n'est pas raisonnable de s'attendre à ce que le professeur en

➡ p. 24

Charles Hebdon,  
conseiller fiscal de l'ACPU  
et de l'UAPUO